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STATE OF NEW JERSEY  
DEPARTMENT OF COMMUNITY AFFAIRS  
LOCAL FINANCE BOARD

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Department of Community Affairs  
Conference Room #129/235A  
101 South Broad Street  
Trenton, New Jersey 08625  
November 12, 2014

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B E F O R E: TOM NEFF, Chairman  
DAN PALOMBI, Deputy Attorney General  
PATRICIA McNAMARA, Executive Secretary  
EMMA SALAY, Deputy Executive Secretary  
FRANCIS BLEE, Member  
IDADA RODRIGUEZ, Member  
ALAN AVERY, Member  
TED LIGHT, Member

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STATE SHORTHAND REPORTING SERVICE, INC.

1                   MR. NEFF: First item on the agenda I'm  
2 not going to read all of them but there are 15 items  
3 listed on the agenda that are on a consent list. They  
4 are all environmental infrastructure trust programs.  
5 And we would be voting on those with a single vote. Is  
6 there anybody who needs to recuse on any of the issues  
7 that are on consent?

8                   MR. BLEE: Motion to approve.

9                   MR. NEFF: We have a motion to approve  
10 the 15 items as listed on the agenda and as will appear  
11 in the transcript for environmental infrastructure  
12 trust items.

13                   MR. AVERY: Second.

14                   MR. NEFF: We'll take a roll call on  
15 these 15 that were on the original agenda.

16                   MS SALAY: Mr. Neff?

17                   MR. NEFF: Yes.

18                   MS SALAY: Mr. Avery?

19                   MR. AVERY: Yes.

20                   MS SALAY: Ms Rodriguez?

21                   MS RODRIGUEZ: Yes.

22                   MS SALAY: Mr. Blee?

23                   MR. BLEE: Yes.

24                   MS SALAY: Mr. Light?

25                   MR. LIGHT: Yes.

1                   MR. NEFF: Okay. And I believe there's  
2 two additional items on consent that were on a  
3 supplemental agenda for environmental infrastructure  
4 Trust. It's Saddle Brook Township, \$2 million,  
5 nonconforming maturity schedule and infrastructure  
6 trust loan program and Madison Borough, \$2,166,000 EIT  
7 loan program, nonconforming maturity schedule and  
8 proposed waiver of down payment. Take a motion on  
9 those two consent items.

10                   MR. BLEE: Motion.

11                   MR. AVERY: Second.

12                   MR. NEFF: Roll call.

13                   MS SALAY: Mr. Neff?

14                   MR. NEFF: Yes.

15                   MS SALAY: Mr. Avery?

16                   MR. AVERY: Yes.

17                   MS SALAY: Ms Rodriguez?

18                   MS RODRIGUEZ: Yes.

19                   MS SALAY: Mr. Blee?

20                   MR. BLEE: Yes.

21                   MS SALAY: Mr. Light?

22                   MR. LIGHT: Yes.

23                   MR. NEFF: Okay. We also have a consent  
24 item, Manasquan Borough Fire District Number One. It's  
25 for a \$350,000 purchase of a truck. They had a number

1 of bids for financing. They have a low rate of  
2 interest. And our staff from the fire expert reviewed  
3 the application and found nothing out of the ordinary.  
4 So that was listed as a consent item. Take a vote on  
5 Manasquan Borough Fire District Number One, \$350,000  
6 project financing.

7 MR. BLEE: Motion to approve.

8 MS. RODRIGUEZ: Second.

9 MR. NEFF: Roll call.

10 MS SALAY: Mr. Neff?

11 MR. NEFF: Yes.

12 MS SALAY: Mr. Avery?

13 MR. AVERY: Yes.

14 MS SALAY: Ms Rodriguez?

15 MS RODRIGUEZ: Yes.

16 MS SALAY: Mr. Blee?

17 MR. BLEE: Yes.

18 MS SALAY: Mr. Light?

19 MR. LIGHT: Yes.

20 MR. NEFF: Okay. That brings us to our  
21 ordinary agenda. North Arlington Borough. Discussion  
22 concerning delinquent adoption of 2014 budget. Is  
23 there anybody here from North Arlington? If we can  
24 bring everybody up to the Board from North Arlington.  
25 I'd ask that you get sworn in. If you can all come up

1 to the table.

2                   Okay. I just want to quick remarks  
3 before you start. So, there's approximately 555  
4 calendar year municipalities in the State of New  
5 Jersey. The statutory deadline for adopting a budget  
6 for this year was back in February or March. It was  
7 extended by the Board to be effectively into as late as  
8 April. And we're now faced with about a month and a  
9 half left in the year and Arlington -- North Arlington  
10 Borough is the only municipality out of 555 that has  
11 not adopted its budget yet. It's become an extreme  
12 outlier. Even Newark has adopted their budget. And  
13 the Board is concerned with that because, A, it's just  
14 a clear blatant violation of the law which requires the  
15 budget to have been adopted much sooner, but as a  
16 practical matter jeopardizes the municipality's  
17 standing with the financial markets who will ultimately  
18 charge higher interest rates and give the taxpayers  
19 their black eye if these sorts of things continue. And  
20 the rating agencies lose confidence in the  
21 municipality. So it's a serious matter that's not just  
22 a matter of wanting to bring enforcement and compliance  
23 with the local budget law and adoption for budget. The  
24 deadlines for budget adoption for the sake of  
25 enforcement. There's a practical reason for this.

1                   Waiting this long in the process to  
2                   adopt a budget makes it difficult to deal with any  
3                   corrections that need to be made from a management  
4                   perspective should a budget be adopted that has lower  
5                   appropriations. So this is an extreme outlier. And  
6                   it's a real problem. And so we asked that this be  
7                   placed on the agenda today for some discussion. And we  
8                   directed several folks from the city to be here to give  
9                   us an understanding as to what happened with the  
10                  budget. And our action as a Board going forward will  
11                  be dependent to some extent on what we hear today as to  
12                  what the reasons are for the delay and why they're the  
13                  last municipality in the state to adopt a budget. So  
14                  with that I turn it over whoever wants to speak first.  
15                  Is the mayor here?

16                  MR. LIGHT: Could we have an  
17                  introduction of the people that are here?

18                  MR. NEFF: Oh, I'm sorry. Why don't we  
19                  do that.

20                  MR. GRANELL: I'm Al Granell,  
21                  councilman, Borough of North Arlington.

22                  MS TUTELA: I'm Judy Tutela. I'm the  
23                  auditor for the Borough of North Arlington here for the  
24                  CFO who couldn't here today.

25                  MAYOR MASSA: Peter C. Mass, Mayor of

1 the Borough of North Arlington.

2 MR. Lo IACONO: Stephen Lo Iocono, the  
3 Borough administrator.

4 MR. BERN: Douglas Bern, Borough  
5 attorney.

6 MR. ZAMMATORE: Tom Zammatore,  
7 councilman, Borough of North Arlington.

8 MR. NEFF: And Mayor, I guess I would  
9 turn it over to you for some first remarks.

10 MR. MASSA: Thank you.

11 MR. NEFF: And we asked you to be here  
12 for your perspective, but we fully understand you're  
13 not a member of the governing body who's failed to  
14 adopt the budget. I think you proposed one and  
15 advanced one, but we did want to hear from you as well  
16 and have you be a part of the discussion.

17 MAYOR MASSA: Well, first of all,  
18 members of this Board, I am fully aware of my statutory  
19 responsibilities as the mayor. I'm fully aware of the  
20 statutory responsibilities of the Governing Body to  
21 adopt and manage a budget. I've been in government for  
22 many years. And I understand that process. The  
23 problem we have right now that we're confronted with is  
24 I'm going to give you a brief history of the budget  
25 process.

1                   For a number of months it was extremely  
2 difficult to have all of the councilman on board to  
3 determine what would be the tax rate. Unfortunately,  
4 this process is politically driven rather than driven  
5 by public policy. And I'm being very candid by saying  
6 that. And I'm embarrassed to say that on behalf of my  
7 community. Unfortunately, the budget situation for  
8 this year involved a year in which the mayor seat was  
9 up for election and several council persons. And of  
10 course, none of the persons involved want to be  
11 responsible for taking the responsibility for a tax  
12 increase in this community which is extremely tax  
13 sensitive since we have a high percentage of senior  
14 citizens residing therein. As a result, it appears  
15 that a compromise was in place in June when a budget  
16 was introduced with approximately 6.3 percent tax  
17 increase. Based upon our professional's consultation  
18 with this body some of the revenues that we had  
19 anticipated in that budget could not be permitted and  
20 we were then required to appropriate several other  
21 hundred dollars worth of appropriations which brought  
22 that tax increase up to approximately 7.9 percent.  
23 With that, I have made numerous attempts at several  
24 council meetings to have that budget amendment  
25 introduced. I have been able to do that. There are



1 several council members that when questioned as to why  
2 they refused to support that budget amendment refused  
3 to make any comment at all.

4                                 And my contention to you here  
5 today is if this body has subpoena power perhaps they'd  
6 like to explain it to you because they don't want to  
7 explain it on the record of the council meeting. And  
8 it's totally frustrating for me. I have a municipal  
9 government to operate. I will go on the record to tell  
10 this body right now that if the vote would come before  
11 me at a 3-3 tie this mayor's prepared to vote in the  
12 affirmative to adopt that budget irrespective of what  
13 those numbers are.

14                                 So that right now is the situation that  
15 we are confronted with. And that I would ask whatever  
16 assistance that you could provide or whatever incentive  
17 or admonishment you could provide to the rest of the  
18 members of the Governing Body who seem to be totally  
19 detached from this process I would appreciate that very  
20 much.

21                                 MR. NEFF: I'm sorry. Is counsel  
22 present here?

23                                 MR. GRANELL: First off, I want to  
24 apologize because no municipality wants to be in this  
25 state sitting before this Board at this point in time

1 of the year. It is an embarrassment. I think it's  
2 important to shed light on what's actually happened in  
3 North Arlington as part of this process. We actually  
4 started late in the year because we had a change in  
5 borough administrators, CFO. So the business  
6 professionals weren't really in place on January 1st,  
7 beginning of the year. While that's no excuse, puts us  
8 a little bit 30 days, 40 days behind the eight ball.  
9 This budget started off at a 14.7 percent tax increase.  
10 Now, we worked very hard last June including our bond  
11 rating and consolidating it down. And bond counsel's  
12 even in the room. So we've been working for the past  
13 year and a half trying to get the finances of the  
14 borough under control. Starting off at 14.7, that was  
15 the number that was unacceptable to the Governing Body.  
16 We took it down to 3.7. Now, 3.7 meant to the  
17 Governing Body there would be furloughs, there would be  
18 layoffs, there would be consolidation of services. And  
19 in that June meeting that the mayor's talking about  
20 that was the first budget that was introduced that was  
21 voted down by the Governing Body. Nobody wanted to  
22 make the hard choices in terms of making cuts or  
23 decisions in this budget. It was decided unanimously  
24 to introduce at 6.6. And we actually did that.

25 Now, I as finance -- member of the

1 finance team I've been very, very frustrated. And I'm  
2 not going to speak for him. He'll be able to speak for  
3 himself, the borough administrator. I have gotten no  
4 input from anybody on the borough counsel but the word  
5 "no". And that doesn't solve the budget process. At  
6 some point in time municipalities have to understand  
7 that the business model doesn't work and you simply  
8 can't afford it you simply can't do it. I met with  
9 Bergen County Health Services to consolidate as part of  
10 this process, the health department if it was possible.  
11 And I find it hard when I go back to the Governing Body  
12 after Bergen County tells me 95 percent of the services  
13 you're doing from the health department are being done  
14 by us. You absolutely can consolidate that department  
15 but I'm getting pushed back from the Governing Body in  
16 terms of "no, that's not an option". So the Governing  
17 Body's made a decision to be status quo. It won't work  
18 with status quo. And that's where we are today.

19           It's very frustrating. I agree with the  
20 mayor. This is not where we want to be. If this vote  
21 does have -- and it will go back to the mayor and  
22 council, it's absolutely a partisan budget. This mayor  
23 won't be here in 30 days, 40 days. He actually lost  
24 the election. The mayor elect sits on the finance  
25 committee. And the borough administrator will tell you

1 he's made no attempt to cut this budget or any input  
2 into this budget about the word no. Completely  
3 abdicating his responsibility. I have a problem with  
4 that. This budget isn't just one person's budget, it's  
5 the entire Governing Body's budget. And I, again, I  
6 apologize for that. But I'm almost looking at you now.  
7 Where does a person go with this? We're going to vote  
8 again on this budget. We have members of the Governing  
9 Body that aren't participating without the word no.  
10 Just saying no without doing it. And there's no way to  
11 force people to vote on this budget. It has to go by  
12 4-2. So I'm kind of like stuck in this place right now  
13 where I feel like I'm the only guy in the rowboat with  
14 the exception of the mayor, like I said, who's not  
15 going to be here in 30 days. So, again, I apologize.  
16 That's kind of where we are with this budget.

17 MR. ZAMMATORE: Mr. Neff, counsel  
18 president is accurate when he spoke about initially  
19 proposing the concept of a budget at 3.7 percent. Now,  
20 unfortunately, that concept would have involved layoffs  
21 and furloughs of employees. Now, I can tell you that I  
22 was verbally opposed, kind of forcefully opposed to the  
23 concept of furloughs and layoffs. I've had  
24 consultations with our borough auditor, who's at the  
25 table today, our CFO, our administrator. I asked them

1 if there was a budget that could be put together that  
2 did not involve laying people off, cutting people's  
3 wages by 20 percent. And the budget was actually put  
4 together. In fact, the only budget that was put  
5 together, a physical budget, a 60 page budget, was a  
6 6.2 percent budget. I introduced that budget. There  
7 were no seconds on the budget. Nobody voted on it.  
8 Consistently from June I have been the councilman that  
9 has consistently voted for the budget. I've either  
10 voted for it, seconded it and when it comes for a vote  
11 I'm the one that votes for it.

12 Now, when the budget went to the state  
13 and the state recommended certain additions to the  
14 budget to bring it up to 7.9 percent, once again, we  
15 only had one budget before us. It's not a question of  
16 voting for budget A or budget B. There was no budget  
17 B. There was one and only one budget. I voted for the  
18 budget. The budget did entail a tax increase. The  
19 first time at 6.3 percent. The second time at 7.9. Do  
20 I like raising taxes? No, I do not. Do we have a  
21 responsibility to pass a budget as a borough? Yes, we  
22 do. Of everybody on that council I believe I voted the  
23 most times to pass a budget and everybody else for  
24 political reasons or otherwise, I don't know if they're  
25 afraid to vote for a budget, but I think anybody at

1 this table can tell you I stood up to the plate. I  
2 voted the most times to pass the budget. And  
3 ironically, I'm here today when maybe other people  
4 should be here explaining why they voted down budgets  
5 that there's no other alternative to. So yeah, I'm a  
6 little bit frustrated because, guess what? I stepped  
7 up to the plate. I did my obligation. And when I'm  
8 asked by the state to come down here I'm here. So  
9 that's all I can tell you. If anybody has any  
10 questions I'd be glad to answer.

11 MR. NEFF: Anybody else?

12 MR. Lo IACONO: Mr. Chairman, I'd like  
13 to just come at this from a different angle different  
14 or a perspective. Certainly as the administrator I try  
15 desperately to stay out of a political situation as I  
16 should. My concern is to somehow administer the  
17 community. And we don't have a budget. And it's  
18 nearly December. I can tell you I think, and some  
19 people at this table may not be happy with what I may  
20 say, but I can tell you that I have become convinced  
21 there can be no meeting of the minds on this budget.  
22 It's not going to happen. I thought it would when we  
23 got past Election Day. We had a special meeting the  
24 very next day on Wednesday night to introduce the  
25 budget amendment which I really thought would be -- we

1 would be able to move forward. And that didn't happen.

2                   So I do think there is a stalemate which  
3 is not going to resolve itself. I'm here hoping that  
4 somehow I can get a budget, I can get some mechanism to  
5 get tax bills out because obviously this is creating  
6 quite an issue for the community. And, you know, I'm  
7 worried about the harm that's already been done going  
8 forward into next year. Obviously, the longer we wait  
9 the more harm is going to be created. So I think, I  
10 think, that we have to, certainly would never presume  
11 what you should be thinking, but have to go on the  
12 premise that there's not going to be a resolution.  
13 There's not going to be an agreement on this budget  
14 because the auditor, the CFO who's not here today,  
15 myself, certainly, without, again, without getting into  
16 the political issues have tried desperately to bring  
17 this Governing Body to a point where they would agree  
18 on something. You may or may not know, and I think  
19 it's very, very significant, this budget with the  
20 increase that we have is very significantly, very far  
21 under the levy cap. Well over 600,000 I think at the  
22 last -- with the last change. So I mean, it's not an  
23 irresponsible budget. It really is not. But we can't  
24 get an agreement on it. And I think we have to admit  
25 that and look to you for some help. That's just myself

1 speaking as the administrator.

2 MR. NEFF: Anybody else comments?

3 MAYOR MASSA: Mr. Chairman, just for the  
4 record, I will, again, endeavor to have this matter  
5 resolved at Thursday night's council meeting. I will  
6 notify the members of the council that we did present  
7 ourselves here at your direction, this meeting, and  
8 explain to them again. Perhaps they'll understand the  
9 seriousness of this problem. That this is a situation  
10 that must transcend local political issues, local  
11 motives or whatever motives, selfish motives individual  
12 elected officials may have. That this is part of the  
13 statutory responsibility. I, again, will make that  
14 attempt. I can't make any guarantees to this Board. I  
15 wish that I could. But, again, I will go on the record  
16 and do so.

17 MR. Lo IACONO: I think if I could, Mr.  
18 Chairman, just to point out, under the best of  
19 circumstances budget adoption is at least a couple of  
20 weeks away. If everybody walks out of this room and  
21 others are convinced to do it we haven't even  
22 introduced the amendment yet. So the best we can do at  
23 tomorrow night's meeting that the mayor's referring to  
24 is possibly introduce the amendment. And unless  
25 there's some mechanism that this Board would impose,



1 you know, there's advertising required, there's a  
2 certain period of time that you can vote on the  
3 adoption of the amendment and the adoption of the  
4 budget. So we're a couple of weeks away under the best  
5 of circumstances which puts bills getting mailed out  
6 probably sometime after December 1st. So.

7 MR. NEFF: I do want to just also  
8 reference for the record there are three councilmen, at  
9 least three councilmen, who are not here today, Joe  
10 Bianchi, Dan Pronti and Richard Hughes. Are there  
11 other council members who aren't here today or are  
12 those the only three?

13 MR. ZAMMATORE: There's one more. Mark  
14 Yampaglia is not here.

15 MR. NEFF: We did get a letter from the  
16 three folks I just referenced. And we'll provide them  
17 for inclusion in the transcript, a copy of that letter.  
18 A couple things were raised in it that were a little  
19 concerning to us at the Division. One was that there's  
20 an allegation that there's \$600,000 that would come in  
21 from taxes in theory on the budget that's being  
22 introduced from taxes that are supposed to be -- from  
23 properties that are supposed to be tax exempt in the  
24 Meadowlands under some sort of agreement. What's the  
25 status of those properties? Are all properties that

1 are supposed to be tax exempt now being listed as tax  
2 exempt or were they not considered to be tax exempt for  
3 the purposes of the budget that was being -- that was  
4 introduced and being considered?

5 MR. Lo IOCONO: There was one property  
6 in particular which should have been made tax exempt  
7 last year, which, apparently, just through oversight  
8 was not done. That's been corrected. And that  
9 property is now listed as tax exempt.

10 MR. NEFF: And considering it would be  
11 tax exempt is the tax rate that you referenced still  
12 the tax rate that would be increased with the budget  
13 that was being considered but not ultimately adopted.

14 MS TUTELA: The tax rate would still be  
15 the tax rate, but the property that that property is on  
16 the tax roll because of last October the January  
17 deadline. So that property is still on that listing  
18 and will not be able to come off until this October.  
19 So we do have a reserve from uncollected taxes of, what  
20 is it, 500,000. So we're fairly comfortable that that  
21 is going to cover any shortfall in that area. It is  
22 tight. There's no question that it's a very tight  
23 budget all around including with the reserve.

24 MR. NEFF: I would also note that the  
25 letter that was sent to us doesn't really have any

1 constructive suggestions or alternatives for what's  
2 been proposed. There's some complaining about the  
3 issue I just repeated that was in the letter. They've  
4 complained about past operating deficits, year end  
5 operating deficits that existed or deficits in cash.

6 MR. GRANELL: Mr. Chairman?

7 MR. NEFF: Yes.

8 MR. GRANELL: I don't mean to interrupt,  
9 but this really just lights me up because this is  
10 exactly the process that happened. Since the beginning  
11 of the budget process every single member of the  
12 Governing Body has had available to them every piece of  
13 documentation for the budget and has been invited not  
14 only by myself but my peer who signed that letter to  
15 participate with any of the borough officials or  
16 professionals to address any questions. The property  
17 of the Meadowlands Commission and that property being  
18 on the tax rolls was discussed in early May. We're now  
19 here in November. This is not an issue. This is  
20 smoke. This is avoiding the issue of the budget. So I  
21 apologize for that. But when I see things and I hear  
22 things like that it really concerns me because there  
23 are a lot of really good people who worked on the  
24 budget last year, who worked on the budget -- who are  
25 trying to work on the budget this year from a business

1 professional perspective and that's not happening. I  
2 mean, you're entitled to have your opinion whether you  
3 do layoffs or you don't do layoffs, status quo or not  
4 status quo, but to be misleading this governing body  
5 that \$600,000 and that's a concern when you have a 20  
6 plus million dollars budget that you have to vote on  
7 it's really, as far as I'm concerned and I apologize  
8 begin, ridiculous behavior.

9 MR. NEFF: I would also note -- all fair  
10 points. I would also note the letter complains that  
11 there's no appropriation in the budget for increases in  
12 employee contracts that are apparently still under  
13 negotiation. And just for the record, I would suggest  
14 that's not inappropriate that the municipality is  
15 taking that position. In fact, why would you put money  
16 on the table for people when they're still fighting  
17 over something? That's pretty common at the state  
18 level to not allocate funds for contracts that aren't  
19 settled yet. So not only would I suggest that's not a  
20 problem provided that there hasn't been a resolution of  
21 the contract yet, I would suggest that's exactly what  
22 you should be doing. That basically summarizes the  
23 letter, but it will be included in the record for  
24 anyone who wants to review it.

25 MR. BERN: We haven't seen that letter,

1 by the way. That hasn't been shared with the mayor or  
2 the Governing Body.

3 MR. ZAMMATORE: Mr. Chairman,  
4 unfortunately that seems to be typical of how the  
5 factions on this council have operated. And you know  
6 what? That is very -- it's not only unfair but it's  
7 very unfortunate, too. You know, there should be a  
8 little more transparency between the two factions.  
9 And, apparently, there is not. So it is what it is.

10 MR. NEFF: I would have thought as a  
11 matter of courtesy a letter like this would have been  
12 provided to you. And I just notice there is no copy on  
13 the letter. I just assumed it would have gone to you.  
14 So there's -- I don't want to beat a dead horse. I  
15 think we heard from all of you. And I do want to just  
16 say the Division has a couple approaches it can take in  
17 situations like this. One is we had a situation like  
18 this in Trenton four years ago. And the Division's  
19 only real option is to adopt the budget on behalf of  
20 the municipality. And we are not going to make  
21 substantive decisions about what to cut or what not to  
22 cut. At the end of the day we'll take the budget that  
23 you introduced. And if we believe there are some items  
24 that are, you know, that may be set forth in this  
25 complaining letter from the folks who didn't show up

1 today but there's a need for more appropriations in the  
2 budget to otherwise make sure that it's not at a year  
3 end deficit or if we need to legally make some sort of  
4 change with respect to what's on the tax rolls or not  
5 on the tax rolls any assumed budget will make those  
6 changes. But at the end of the day the only think  
7 we're going to wind up doing at the Division that the  
8 Board is probably setting even a higher tax rate than  
9 what's been proposed.

10                   So hopefully I hope you can share that  
11 message back with the members who aren't here today  
12 that they will be responsible if they don't adopt the  
13 budget that you've induced with whatever changes we may  
14 still need to work out with Division staff in response  
15 to some of these concerns. That end of the day they're  
16 going to be responsible for any higher tax increase  
17 than is otherwise necessary. I wish they were here to  
18 hear that message, but I'm assuming it will get  
19 delivered back to them. And we'll try and expedite the  
20 transcript for this meeting. It won't be ready in a  
21 span of, you know, a week or two but we'll do the best  
22 we can to get it expedited. And hopefully you can  
23 bring that message back. I know Ted had a question.

24                   MR. LIGHT: Well, I just had a question  
25 of the format. Is this a mayor/council form of budget

1 where the mayor votes if it's a tie?

2 MAYOR MASSA: That's correct, sir.

3 MR. LIGHT: And there's four counsel  
4 people who won't vote, period. So you can't even get  
5 the third vote for you to decide the tie or not. Is  
6 that correct?

7 MR. ZAMMATORE: That's true.

8 MR. LIGHT: They don't vote anyway when  
9 it's introduced? When it's being introduced they just  
10 sit there silent?

11 MAYOR MASSA: That's correct, sir.

12 MR. LIGHT: They come to the meeting,  
13 they're present at the meeting but they don't vote?

14 MAYOR MASSA: We've asked the question  
15 of the council persons as to why they refuse to vote in  
16 favor of this amendment. They make no comment at all.  
17 You get the silent treatment. We have the  
18 documentation from the recordings and minutes of the  
19 meeting which would reflect that. Again, for the  
20 record, Mr. Neff, I have never received a copy of this  
21 document that you have in front of you as borough  
22 attorney had represented. So this comes as a surprise  
23 to me that have any members of the council signed this  
24 document why in fact knowing that we were coming to  
25 this meeting today they did not provide the rest of the

1 council members with this and myself and the borough  
2 attorney so at least we would have an opportunity to  
3 review it? So again, I thank you so much for sharing  
4 this with us.

5 MR. NEFF: We'll get you a copy of this  
6 before we leave.

7 MR. ZAMMATORE: We have a copy. Thank  
8 you.

9 MR. NEFF: I apologize. It's one of  
10 those things where if I had thought for a minute you  
11 didn't have a copy of this letter I would have sent it  
12 to you myself. It's almost beyond me that your  
13 colleagues would just not even share this with you.  
14 It's inappropriate.

15 MR. MASSA: I appreciate that. I'm  
16 fully cognizant that that would not be your  
17 responsibility to do that. That would be the  
18 responsibility of the writers to send that.

19 MR. ZAMMATORE: Mr. Chairman, I'm  
20 probably being repetitive here, but in a way ironically  
21 I'm kind of glad that this letter was sent to you and  
22 not to us because it's illustrative. It's illustrative  
23 of the problem we have had with communication where we  
24 have had a number of special meeting specifically to  
25 pass either a budget or an amendment. Everybody knows



1 what the purpose of the meeting is. Everybody shows  
2 up. And it's not the choice between budget A and  
3 budget B. In other words, I don't like budget, I want  
4 this budget. There is only one budget. So they're  
5 voting no. And, you know, you know, for a municipality  
6 that has an obligation to pass a budget respectively no  
7 is not an option. You have to vote for something. So  
8 anyway.

9 MR. Lo IOCONO: If you'd allow me to ask  
10 a question. I mean, I've had a long career in local  
11 government. I've never been in this situation.  
12 Tomorrow night there's a counsel meeting. We put the  
13 budget amendment on -- if we put the budget amendment  
14 on the agenda and as I suspect it does not get approved  
15 what happens here?

16 MR. NEFF: As I said, ultimately we have  
17 an ability to adopt the budget for the municipality if  
18 it looks like it's not going to get done.

19 MR. Lo IOCONO: That's not immediate.  
20 We still have sometime time get to that point.

21 MR. NEFF: You still sometime to get  
22 that resolved. And the people who aren't here today  
23 they need to know that ultimately, like I said, if we  
24 at the Division have to adopt the budget it's almost  
25 certainly going to contain a larger tax increase just

1 to make the books balance than what's been proposed.  
2 So it's on them in terms of a higher tax rate increase  
3 if they don't work with you to get this done in the  
4 next few days. And the other option, I wasn't going to  
5 discuss it but I will, the other option we have on the  
6 table is to fine individual council members who aren't  
7 stepping up to the plate and doing their job. So we'll  
8 review whether or not it would be appropriate to fine  
9 members who, if they're not voting on this budget,  
10 they're going to at least need to come to the Division  
11 and tell us constructively what are the changes they  
12 need to see to the budget to make it something they  
13 would vote for. They need to be fleshed out of the  
14 roads, so to speak, in terms of what their own position  
15 is because if they're just saying no that's not enough.  
16 They've got to come to the table with a solution  
17 themselves.

18 MR. LIGHT: The other point, too, that  
19 there's an importance of time here because they can't  
20 get tax bills out to get the revenue into the community  
21 until the budget is adopted. And they're overdue on  
22 that already.

23 MS. RODRIGUEZ: So we're talking about a  
24 time lime. What time are we talking about? I mean,  
25 how much time? Because it is very irresponsible that

1 you cannot -- you're not going to be able to get your  
2 tax bills out. How are you going to operate your  
3 municipality?

4 MR. NEFF: And only I can really answer  
5 that question. And unfortunately, I'm not prepared to  
6 answer it today. But the amount of time that's  
7 available is very limited. We're talking about a week  
8 or two weeks tops, if even that. I know the town  
9 doesn't -- I think the town does not rely on  
10 accelerated tax sale. So there's no timeframe with  
11 respect to an accelerated tax sale that would have made  
12 this something that would have had to have been  
13 resolved like, you know, couple weeks ago. Just  
14 different than some communities that rely on that. So  
15 we don't do have a little bit of time but not much.

16 And by the way, I would also suggest  
17 that if the budget doesn't get done in a timely way  
18 such as tax bills can't get out and be due to the  
19 municipality before December 31st we're not going to  
20 allow the municipality to simply keep their books open  
21 and reflect collections that are received in 2015 as if  
22 though they came in in 2014. So incoming council will  
23 not only be responsible for -- I'm sorry. The council  
24 members who aren't stepping up to the plate won't only  
25 be responsible for a higher tax rate if we ultimately

1 have to act, they're going to be responsible for a  
2 large operating deficit in the current year. And they  
3 risk fines being levied against them. And I don't  
4 think they're ever been issued by the Division but this  
5 certainly seems to be a candidate for a first. But  
6 that's about as much guidance as I think I can give for  
7 today. Any other comments from Board members? Anybody  
8 else at the table?

9 MR. ZAMMATORE: Mr. Chairman, I have a  
10 suggestion. We have a meeting tomorrow. So at the  
11 very least we would have to pass -- we would have to  
12 introduce a budget amendment. So if we do that, that  
13 certainly is a positive sign. If we fail to do that,  
14 we can report to you right away the very next day  
15 whether that's done or not. And that would probably  
16 dictate what would have to happen from there.

17 MR. NEFF: And I will ask that our chief  
18 financial regulator, assistant director for financial  
19 regulation, Tina Capicchi, who's here, work with your  
20 CFO in making sure that whatever amendments are being  
21 offered tomorrow those are acceptable to the Division,  
22 too. Make sure that there's no issues with respect to  
23 matters that were raised in this letter.

24 MR. LIGHT: You don't want an erroneous  
25 introduction of something just to carry the time line

1 either. It's got to be substantive.

2                   MAYOR MASSA: I just want to say, again,  
3 that I will do everything in my power to manage this  
4 process and move it accordingly. If we are able to  
5 have the amendment introduced tomorrow evening I will  
6 mark expeditiously with the council and the borough  
7 administrator, the borough attorney in order to do what  
8 the next statutory requirements are with respect to  
9 special meetings to have this go forward irrespective  
10 of the holiday season coming up or anything to that  
11 effect. So from my end as a chief executive of the  
12 community you have my assurance that if this budget  
13 amendment is introduced at tomorrow night's council  
14 meeting we will work expeditiously to go forward with  
15 the process.

16                   MR. NEFF: Appreciate you all coming  
17 here today. And appreciate the difficult position  
18 you're in. Mayor and council present, I hope it can  
19 get resolved because at the end of the day if the  
20 community can't resolve its own problems then it has to  
21 come to someone like me who admittedly doesn't  
22 understand your community and its needs as well as you  
23 and your elected representatives do. You're going to  
24 wind up with a worse product at the end of the day.  
25 And nobody wants that. So hopefully it gets resolved.

1 And I wish you luck on it. And we'll stay in touch in  
2 the next few days.

3 MR. ZAMMATORE: Thank you, Mr. Chairman.  
4 Thank you, everybody.

5 MAYOR MASSA: Thank you, ladies and  
6 gentlemen, for your patience and your time.

7 MR. NEFF: Next up Monmouth County  
8 Improvement Authority.

9 MR. DRAIKIWICZ: The Monmouth County  
10 Improvement Authority proposes to undertake a pooled  
11 loan financing and issue bonds to finance capital  
12 projects for eight municipalities in Monmouth County  
13 and to refund on behalf of the Eatontown Board of  
14 Education its existing bonds. The refunding portion of  
15 the transaction would only occur with the present value  
16 savings if three percent is obtained. The structure of  
17 the pooled loan financing would be similar to past pool  
18 loan bond financing of the Authority. The Monmouth  
19 County Improvement Authority will issue bonds to the  
20 public in amount not to exceed \$48,204,943. The  
21 proceeds of which will be used to acquire Monmouth  
22 County Improvement Authority bonds in the amount not to  
23 exceed \$48,204,943 which bonds will be secured by  
24 general obligation bonds of each participant. The  
25 Monmouth County Improvement Authority bonds related to

1 each participant will be individually secured by a  
2 guarantee from the County of Monmouth. We respectfully  
3 request your positive findings in connection with this  
4 matter and also in connection with the county  
5 guarantee. Be happy to answer any questions you may  
6 have at this time.

7 MR. NEFF: We've dealt with the Monmouth  
8 County Improvement Authority proposals like this in the  
9 past. And generally, the financing is okay and we've  
10 approved it in the past, but we had a couple questions  
11 at the staff level. There are four applications that  
12 are part of this or four participants in financings  
13 that are financing environmental infrastructure trusts  
14 through the Monmouth County Improvement Authority as  
15 opposed to through the environmental infrastructure  
16 trust. And we've found at the staff level that doesn't  
17 usually make sense because there's a loan forgiveness  
18 aspect for to the environmental infrastructure trust  
19 program of which could be of considerable benefit for  
20 municipal participants. And to simply not use the EIT,  
21 we understand there could be reasons for that, there  
22 may be emergencies that have to happen quickly and for  
23 some reason the EIT's not available, but we've also  
24 found instances where municipalities just simply don't  
25 do their due diligence and go to the EIT and see what

1 sort of deal they can get from them as opposed to  
2 another, you know, financing their issues themselves.  
3 And we have Allentown, Avon By the Sea, Bradley Beach  
4 and Neptune were four municipalities that have sewer or  
5 water type financings here. And is there anybody who  
6 can explain why those four towns didn't go the EIT  
7 route? What was there reasoning for not doing that?

8 MS MADDEN: June Madden, CFO for  
9 Allentown Borough. I can speak on behalf of Allentown  
10 only. Our water is under \$400,000. And that's  
11 basically cleaning up some bond ordinances that have  
12 been on the books. For our sewer it's a \$1.2 million  
13 project. And with that, our sewer plant was operated  
14 by an outside vendor for many years. And it's only  
15 been the last few years that we've had Hatch, Mott,  
16 MacDonald running and trying to clean things up,  
17 straighten -- get a feel for everything. They are very  
18 much aware of the funding, good funding source through  
19 the EIT as well as the U.S.D.A. And we've used the  
20 U.S.D.A. in the past for funding. Unfortunately, the  
21 U.S.D.A. isn't available to us this time because of the  
22 census numbers now taking in all of the Allentown  
23 mailing addresses which are not all Allentown tax  
24 based.

25 So what's happened is this project



1 started out at 500,000. It's been capped at 1.2. It's  
2 a matter of an emergency now. There have been  
3 discussions with the DEP with Jamie Hertzog. And if  
4 these improvement are not made or out to bid before the  
5 end of the year Allentown's going to face an  
6 administrative consent order from the DEP. So for us  
7 it's a matter of timing. We understand there are other  
8 sources out there to go to for funding, and we will use  
9 them, but in this instance we ask that, you know, that  
10 we be given a little bit of leeway on this. And these  
11 improvements, too, are only to maintain our current  
12 permit. Only to maintain the current permit with the  
13 DEP.

14 MR. NEFF: And so were there -- was  
15 there -- what was done to explore whether EIT was a  
16 better deal than financing through the county  
17 Improvement Authority?

18 MS MADDEN: According to my discussions  
19 with Eric Betz from Hatch, Mott, MacDonald he said he  
20 did look at that route. And the timing and everything  
21 was just not there. And again, the project started out  
22 at 500,000 and then has now been capped at 1.2 because  
23 the ordinance that was done for this was back in I  
24 think 2008 or 2009 which is the time when the old  
25 vendor, the outside vendor, was leaving. They weren't

1 -- the town wasn't happy with them. They brought in  
2 someone new to run the plant. And before they went  
3 ahead with any of these improvements they wanted to  
4 make sure that they were truly needed. So it's been a  
5 back and forth. And once these are done we will have  
6 to go out in the future, very near future for other  
7 improvements. And I can assure you the EIT will be  
8 contacted for funding, funding source.

9 MR. NEFF: And so, Doug, do you know is  
10 there any kind of explanation from the other three  
11 municipalities, Avon, Bradley Beach.

12 MR. BACHER: There are other  
13 representatives here, Mr. Neff.

14 MR. NEFF: Oh, okay.

15 MR. BACHER: So I'll let them speak.

16 MR. NEFF: Yeah, I would ask if they can  
17 come up.

18 MR. HUDSON: I'm Ed Hudson. I'm  
19 representing Neptune Township. We have timing issues,  
20 too, as well, the projects versus the NJEIT financing.  
21 Probably the bigger concern, though, is only about less  
22 than half of the improvement costs would be eligible  
23 for that funding. So that was part of our concern.  
24 And we if we split the project and improvements then it  
25 would actually be paying more costs we feel. So it was

1 timing, cost and the eligibility factor. We did look  
2 at the NJEIT funding but it would only be about 900,000  
3 of a \$2 million improvement.

4 MR. NEFF: Okay. And either the other  
5 two communities anybody available.

6 MR. PENELLA: We're also Neptune's bond  
7 counsel. There are other compelling reasons why  
8 Neptune wouldn't have gone through the EIT at this  
9 time, but let's talk about Avon first because Avon is  
10 relatively simple. Avon has about \$3.2 million worth  
11 of capital projects that are currently BAN financed.  
12 And those three Bond Anticipation Note financings  
13 mature in February 2015. What that tells you before I  
14 say it is that the projects that Avon is looking to  
15 permanently finance through the Improvement Authority  
16 are projects that are completed. About \$950,000 of the  
17 3 million would have qualified for EIT on general  
18 principal, but they were Hurricane Sandy related  
19 emergencies. And at the time they were done the EIT  
20 had not yet formulated its Hurricane Sandy program. So  
21 for administrative consent order and other government  
22 related reasons there was no timing opportunity to do  
23 an EIT financing.

24 Now, the EIT program is a spectacular  
25 program. And it's spectacular because it has a

1 75 percent interest forgiveness to it currently. If  
2 Avon was to now try to switch into the EIT, this would  
3 apply to any town that's in this program, you wouldn't  
4 even be able to submit your letter of intent under the  
5 Hurricane Sandy program until October 2015. And you  
6 might be able to close in May 2016 but absent Hurricane  
7 Sandy, which Neptune is not, you would not be able to  
8 permanently close your EIT loan until May 2017 if you  
9 stepped into the program now. So the EIT is a  
10 spectacular program, but it requires in all honesty  
11 significant advanced thought. And if you don't have  
12 that significant advanced thought on these smaller  
13 projects that we're trying to get done, many of which  
14 are Hurricane Sandy related, if you try to step into  
15 that thing too late in the process it simply will not  
16 work for you. And unfortunately, you have step away  
17 from the 75 percent interest forgiveness. We have no  
18 idea if the EIT is going to continue with the interest  
19 forgiveness at 75 percent. We have to remember it used  
20 to be zero. Then it went to 25 percent. Then it went  
21 to 50 percent. And now it's at 75 percent at least  
22 this firm. Our firm has been hearing consistent noises  
23 that that interest forgiveness is going to get pulled  
24 back to something more like 50 or 25 percent. That  
25 changes the entire dynamic of the EIT. So for us in

1 Avon we simply could not make it work because the  
2 projects were completed already. And notwithstanding  
3 prior efforts, the EIT is not in the business of  
4 refinancing previously undertaken and completed  
5 projects.

6                   With respect to Neptune, the story's a  
7 little bit more complicated. But, again, when we  
8 finally got into it with the township we could not make  
9 the dates work under EIT. Particularly since even  
10 though the projects in Neptune are emergent they are  
11 not Sandy related. And we would not meet the  
12 requirements of the Sandy program. And we just could  
13 not understand how the math would work for us if we had  
14 to do non-Sandy through MCIA, non-water and sewer  
15 through MCIA, water and sewer through EIT water and  
16 then take the risk of where our rate would be and our  
17 subsidy would be in May 2017 versus we've got a triple  
18 A county. We have 40-year low interest rates that  
19 appear to have finally bottomed. When we looked at  
20 everything we just made the decision the variables seem  
21 to be too many for Neptune to not want to just lock  
22 this up under December 24, 2014 and be done with it.

23                   So those were the analysis that went on  
24 in Avon and Neptune. I don't want anyone to think that  
25 they were done in a vacuum and without awareness of

1 EIT. There was a significant awareness of EIT, but in  
2 Avon it was too late and untimely. And in Neptune  
3 there seemed to be too many moving parts that we  
4 couldn't make reasonable assumptions on.

5 MR. NEFF: Okay. I guess the only town  
6 we haven't heard from is Bradley Beach.

7 MR. CANTALUPO: I'm John Cantalupo. I'm  
8 signed in. C-A-N-T-A-L-U-P-O. Bond counsel Bradley  
9 Beach. Our circumstances at Bradley Beach are very  
10 similar to Avon's circumstances in that the projects  
11 were Hurricane Sandy related. They were originally  
12 going to undertake the sewer pump station in 2012.  
13 Hurricane Sandy hit and exacerbated the situation  
14 causing them to go out for emergency repairs. The  
15 project is now completed all but the engineer  
16 certificate that we discussed with them. In general,  
17 my discussions with the engineer were that his rule of  
18 thumb was generally that under a million dollars  
19 projects, and this is coming from the engineer, just  
20 that he had not utilized the EIT on those type of  
21 projects. It was a smaller project which was  
22 exacerbated by NJ -- by Hurricane Sandy. And the same  
23 thing, our project is completed and we do not believe  
24 that the EIT is in the business of refinancing  
25 completed projects.

1                   MR. NEFF: Okay. I'm just curious. Of  
2 the improvements that were made or the fixes that were  
3 Sandy related has the municipality received FEMA  
4 funding for those things yet?

5                   MR. CANTALUPO: About 190,000 of it was  
6 directly related to Sandy when I started my  
7 presentation. They were going to redo the pump  
8 station. They started the process. There was  
9 significant water infiltration which created even worse  
10 of a situation. So they had to do it on an emergency  
11 basis to get the project done. I am not positive  
12 whether they'll be receiving FEMA funds on that  
13 particular project. I would assume that the portion  
14 that's Hurricane Sandy related they would. I could  
15 certainly make an inquiry.

16                   MR. NEFF: I guess most of it was  
17 preexisting needs?

18                   MR. CANTALUPO: Yes.

19                   MR. NEFF: All right. And then there  
20 was a couple -- I think the only other application that  
21 was -- or participant in the program that was of some  
22 concern was Eatontown. We had been told that a million  
23 out of 4 million -- no, wait a minute. Almost 3  
24 million -- there's almost 2 million out of \$4 million  
25 participation where all we're told at the Board level

1 is it's for various purposes. So we have no idea  
2 whether this is for something that's appropriate, not  
3 appropriate. It's hard to be asked to vote for  
4 something when I don't know what it is. So ordinarily,  
5 if the municipality was financing these things  
6 themselves it would never even come to us, but it is  
7 because it's to the Board. So is there any sort of  
8 explanation as to what these various costs or in  
9 Eatontown? Is there anyone who can speak to those?

10 MR. DRAIKIWICZ: John Draikiwicz. I  
11 spoke with Megan Bennett Clark who's the bound counsel  
12 who could not attend today. And she stated to me that  
13 the chief financial officer who could answer in detail  
14 the questions regarding the specific types of equipment  
15 and machinery would be unavailable this Friday.  
16 However, she did say that they would be reviewing,  
17 getting that information. And to the extent that they  
18 are bondable items that match useful lives set forth in  
19 the bond ordinances, that they would be not able to  
20 issue a bond counsel opinion if the items were not  
21 compliant with the local bond law. So before they  
22 would issue an opinion on it they would undertake their  
23 own independent analysis, but they would also be more  
24 than happy come Friday to submit in detail to you what  
25 projects they are considering. The bond ordinance I



1 believe stated in generic terms machinery and equipment  
2 as an example without specifying the type of machinery  
3 or equipment, but those items as prepared in previous  
4 years should have been compliant with the local bond  
5 law. But, again, she'll be more than happy to get that  
6 information for you on Friday.

7 MR. NEFF: I don't want to hold up an  
8 entire package of financing because of one town, but.  
9 So I would just I think what I would recommend is that  
10 we ultimately unless there are other objections or  
11 concerns approve the application but contingent on  
12 Eatontown providing something to the Division and  
13 provided the Division reviews it and that all the needs  
14 or capital needs are met and we don't find anything  
15 unusual that they only be permitted to be a part of  
16 this financing when it moves forward if they first  
17 receive an approval from us as to what it is that  
18 they're borrowing money for.

19 MR. DRAIKIWICZ: That would be  
20 satisfactory. They've already suggested to the bond  
21 counsel they'd be more than happy to comply.

22 MR. NEFF: Any other questions on  
23 Monmouth County? Okay. And you know, I don't mean to  
24 suggest anybody up there has done anything  
25 inappropriate at all, but I would just ask that going

1 forward that these two issues where there's a pooled  
2 financing whether it's for Monmouth or Mercer or  
3 Somerset or Morris that, A, make sure that when the  
4 Board receives application material that we have, you  
5 know, there's not things that say various \$2 million  
6 because then we don't know what we're voting on. And  
7 the other is when there is an EIT issuance please check  
8 with your municipalities and make sure that they can  
9 either provide a written explanation as part of the  
10 application or that they are present at the day of the  
11 hearing to explain why they're not using EIT because  
12 all the answers I heard today made some sense, but I'm  
13 concerned about some municipalities not only the ones  
14 we just heard from that just feel like let's do the  
15 easiest thing and just finance ourselves or another way  
16 when they could be getting a better deal for their  
17 taxpayers and their citizens and their ratepayers.

18           So with that longwinded discussion, my  
19 fault, but I'd make a motion that will we approve this  
20 contingent on Eatontown providing additional  
21 information about what it is that they're spending  
22 their money on and that they only be participants in  
23 the pool with the Division approval prior to the  
24 issuance. And that that approval would be given if  
25 what they're borrowing for is consistent with the bond

1 law and the terms with the bond law and that there's  
2 not otherwise concerns raised by the Division.

3 MR. BLEE: Second.

4 MR. NEFF: Roll call.

5 MS McNAMARA: Mr. Neff?

6 MR. NEFF: Yes.

7 MS McNAMARA: Mr. Avery?

8 MS AVERY: Yes.

9 MS McNAMARA: Ms Rodriguez?

10 MS RODRIGUEZ: Yes.

11 MS McNAMARA: Mr. Blee?

12 MR. BLEE: Yes.

13 MS McNAMARA: Mr. Light?

14 MR. LIGHT: Yes.

15 MR. NEFF: Next up is East Orange.

16 We're going to go out of order just a little bit  
17 because we're about to lost a mayor. I'm going to try  
18 and expedite this a little bit so that we can cut to  
19 the chase. So one of the two applications for East  
20 Orange is \$11,110,000 for Qualified Bond Act debt  
21 issuance. And the only reason it didn't sort of come  
22 before this Board as a consent item in the past which  
23 was part of the application was for a borrowing related  
24 to a golf course that East Orange owns. And the  
25 Division wanted to do a little bit more due diligence

1 to make sure that we didn't just have a municipality  
2 that's been in and out of a transitional aid program  
3 engaging in what appeared to be a non-essential purpose  
4 that would otherwise make its finances more challenging  
5 in the future. And we held a meeting with the city  
6 several weeks ago. And I think I can summarize our  
7 discussion about the golf course as being that the  
8 municipality expressed that they were looking to create  
9 a revenue source for the municipality and not a revenue  
10 drain. And that they appear to have put some thought  
11 into what their proposals are and done their due  
12 diligence. So at the Division level we don't have any  
13 other questions about that particular application.

14 Mayor, if you wanted to say something on  
15 the record about the golf course you could. If there  
16 were questions from the Board member about the  
17 application we could entertain them, but I think that  
18 first application about the Qualified Bond Act issuance  
19 is something where the Board is or at least the staff  
20 is comfortable that it can move forward. And like I  
21 said, if it were almost any other municipality it could  
22 have been on consent because other municipalities don't  
23 need our approval. East Orange has enough leeway in  
24 its state aid to cover the debt service if they go  
25 Qualified Bond Act for the projects. So there's really

1 no questions at the staff level on that one. Actually,  
2 why don't we ask is there questions from the Board on  
3 the Qualified Bond Act proposal? I always say quit  
4 while you're ahead. Is there anybody from the public  
5 here who wanted to be heard on East Orange? No? Okay.  
6 It was moved by Mr. Blee and seconded by Mr. Light. So  
7 take a roll call.

8 MS McNAMARA: Mr. Neff?

9 MR. NEFF: Yes.

10 MS McNAMARA: Mr. Avery?

11 MS AVERY: Yes.

12 MS McNAMARA: Ms Rodriguez?

13 MS RODRIGUEZ: Yes.

14 MS McNAMARA: Mr. Blee?

15 MR. BLEE: Yes.

16 MS McNAMARA: Mr. Light?

17 MR. LIGHT: Yes.

18 MR. NEFF: Okay. And the second  
19 application which I think is a little bit more  
20 problematic pertains to an issuance of \$3.7 million of  
21 refunding bonds for impact of tax appeals. And what's  
22 being requested is the issuance of \$3.7 million of  
23 short-term notes and with a maturity that is other than  
24 what the Board typically allows which is a maturity  
25 that would allow for flat payments over a period of

1 year. Has an impact to the taxpayer an average  
2 assessed home of approximately \$50 annually. So if you  
3 could just cut to the case as to why the different  
4 maturity schedule for this is appropriate.

5 MR. WIELKOTZ: Thank you, director. If  
6 we were to be compliant with what is normal and usual  
7 we would be requesting a five year repayment schedule  
8 that would have an impact of between \$51 and \$53 a year  
9 to the average homeowner. The reason we're requesting  
10 this particular amortization is that the city has been  
11 down over the last number of years in 2009, 2010, 2011  
12 and 2013 for other tax appeal refunding issues both  
13 before they did a city wide revaluation and after the  
14 revaluation took place some of the state court  
15 judgements that have been festering for years and years  
16 under the previous administration. Those paydowns,  
17 unfortunately, it was discovered this year during the  
18 budget review process were not being made exactly  
19 pursuant to the way the Board approve those refundings  
20 in those years. That was corrected this year through  
21 the budget examiner and the staff at the Division where  
22 we put an additional \$76,000 in the '14 budget and  
23 there's additional money to be put in the budget for  
24 '15 and '16 in order to be compliant that those  
25 previous refunding awards were would be paid off in a

1 number of years that were approved by the Local Finance  
2 Board.

3                   Having to do that has created an  
4 increase in next year's appropriation of over \$475,000  
5 before we entertain this particular application. So  
6 what we're asking is not five years but four years in  
7 payments that are not traditionally what are approved  
8 by the Board, but when you factor in what we're asking  
9 for and the increase next year, the total impact on the  
10 average homeowner is almost \$43 for this new issue and  
11 the older issues after we reconfigured the payment  
12 schedule in order to comply with what the Board  
13 approved. So smaller payments next year and the year  
14 half. Much larger payments in '17 and '18. But paying  
15 it off within four years as opposed to five years  
16 technically would meet the criteria of the Board.

17                   MR. NEFF: And your proposal is a  
18 four-year repayment with the first year payment being  
19 in 2015 not '14? Or '14?

20                   MR. WIELKOTZ: No, 2015 which is next  
21 year. We're in '14.

22                   MR. NEFF: Okay. I thought you're  
23 saying you're that you're going to have a first payment  
24 this year.

25                   MR. WIELKOTZ: No, first payment next

1 year to go on top of the \$475,000 increase from the  
2 other refundings.

3 MR. NEFF: And the proposal is such that  
4 the impact on an average assessed home would be \$10 in  
5 2015 and then it jumps \$54 the next year and to \$84 the  
6 year after and then to a \$114 in the fourth year.

7 MR. WIELKOTZ: That correct.

8 MR. NEFF: That's a pretty dramatic  
9 departure from what we've approved in the past.

10 MR. WIELKOTZ: Right. But again, you  
11 have to also look at the previous refundings that were  
12 approved. So that the actual tax effect when you  
13 factor in the other four issues that we're paying down  
14 next year's increase is \$42.57. In 2016 is \$4.82. And  
15 then in '17 and '18 there's actually a reduction in the  
16 total amount that needs to be appropriated for this  
17 particular piece of the budget.

18 MR. LIGHT: Aren't you assuming that  
19 there's going to be no further tax impact in future  
20 years because if you have tax appeals in future years  
21 you're adding to paying that existing of third and  
22 fourth year?

23 MR. WIELKOTZ: Number one, the re-val  
24 was done a number of years ago. There are a number of  
25 tax appeals still outstanding, but in discussion with



1 the city tax assessor he's of the belief that this  
2 hopefully will be the last time we need to come to the  
3 Board for something like this in the near future. That  
4 all the bigger appeals, most of them that were filed  
5 prior to the revaluation, have now been dealt with and  
6 settled. And again, we're trying to look at this more  
7 as not as a stand-alone this 3.7 million but as  
8 accumulation of five different refundings over the past  
9 six years and the total tax impact on future budgets.

10 MR. LIGHT: Mr. Neff, I don't mean to  
11 interrupt. Can I ask you a question. I don't  
12 understand what this 254 is on the side here. Is that  
13 in addition to what would be paid here?

14 MS McNAMARA: I'll answer that. That's  
15 our report. The 254 is the total impact of this  
16 application. And if you look at the second column,  
17 that's if they had to pay in one year. If you don't  
18 approve the application at all that impact is in one  
19 year.

20 MR. LIGHT: Okay. But you're still,  
21 then, you're going on a four-year possible term of 10,  
22 54, 84, 114 as opposed to 63, 77 for four years every  
23 year?

24 MS McNAMARA: Yes.

25 MR. WIELKOTZ: Right. Again, the reason

1 we're asking for that is that by having to accelerate  
2 the balances that are still payable from the previous  
3 refundings so they're done in -- we go from 2.6 million  
4 in '14. Next year is 3.1 which is the increase. Then  
5 '16 is 1.9. And '17 is 547,000 for the older issues.  
6 We're trying to just even it out.

7 MR. LIGHT: You've got other issues  
8 added to this for the first three years. Is that what  
9 it is?

10 MR. WIELKOTZ: Correct. And again, the  
11 issue was somehow the payments that were being made  
12 previous to this administration were not in compliance  
13 with what the Board approved. And, again, we address  
14 that in the '14 budget exam to make sure that we got in  
15 compliance.

16 MR. HANLEY: It creates stability over  
17 the period rather than having high/low.

18 MR. NEFF: I get it. So the amount that  
19 was appropriated in 2014, 2014 budget, is that in  
20 compliance, strict compliance with what the Board  
21 approves?

22 MR. WIELKOTZ: Yes, it is.

23 MR. NEFF: Okay. So you're caught up?

24 MR. WIELKOTZ: Yes. But there were  
25 bigger balances left over the number of years the Board

1 approved which is why our payments in '15 and '16 go a  
2 little bit higher than they should have if the payments  
3 had been made based upon approval.

4 MR. NEFF: So you had to catch up with  
5 what wasn't appropriated in '13?

6 MR. WIELKOTZ: Right.

7 MR. NEFF: Here my take on this. I  
8 mean, you inherited a mess. Congratulations. But this  
9 is very far from what this Board has approved in the  
10 past. And we obviously have to approve something.  
11 We're not going to make everybody eat the tax appeals  
12 in one year, I don't think. But I guess maybe a middle  
13 ground I would suggest is approve it but approve it  
14 with a maturity schedule such that the principal  
15 paydowns are no more than twice the smallest amount  
16 that's made. So sort of like a mini conforming  
17 maturity schedule which would otherwise be allowed  
18 under the -- if it were long-term debt. So I can't put  
19 the right numbers on it, but it looks like it would  
20 mean that it ranges from something like 35 to 70 or 40  
21 to 80 or something like that. And it will give you  
22 five years to do it, too. So you want to do it in  
23 four, you can do it in four but we'd allow five.

24 MR. WIELKOTZ: Would you consider six?  
25 Just asking. Just asking.

1 MR. NEFF: I think that's reasonable.

2 And I know you're doing a lot to try and fix a lot of  
3 things. So.

4 MR. WIELKOTZ: Can I then submit the  
5 final schedule once I go back to my office and kind of  
6 like work with everything?

7 MR. NEFF: If you present a schedule to  
8 us we'll verify that it's consistent with what we've  
9 discussed if that makes sense.

10 MR. WIELKOTZ: Okay. I can send that  
11 down later today.

12 MR. NEFF: So I'll make the motion as to  
13 approve the application but with a maturity schedule  
14 that's similar to what would otherwise be required  
15 under the conforming maturity schedule and the local  
16 bond law to be approved by DLGS staff.

17 MS. RODRIGUEZ: I'll second.

18 MR. LIGHT: Period of five years.

19 MR. NEFF: With a period of up to five  
20 years.

21 MS. RODRIGUEZ: I'll second.

22 MS McNAMARA: Mr. Neff?

23 MR. NEFF: Yes.

24 MS McNAMARA: Mr. Avery?

25 MS AVERY: Yes.

1 MS McNAMARA: Ms Rodriguez?

2 MS RODRIGUEZ: Yes.

3 MS McNAMARA: Mr. Blee?

4 MR. BLEE: Yes.

5 MS McNAMARA: Mr. Light?

6 MR. LIGHT: Yes.

7 MR. TAYLOR: Mr. Chairman and members of  
8 the Board, I just want to thank you for your  
9 thoroughness, your diligence and your consideration  
10 with respect to these applications. Thank you.

11 MR. NEFF: Next up is Middlesex County  
12 Improvement Authority. I'm going to give you another  
13 cause for a heart attack which is that I -- the only  
14 reason this was not on consent was because of who the  
15 applicant is and past issues with them, but it's just a  
16 refunding. So I really don't think there's a whole lot  
17 of discussion that's needed here. Although, I would  
18 say there are still fees that go to the Authority. As  
19 with our past recommendations I would just recommend  
20 that we want to, you know, provide in our review  
21 stipulate that we still think the fees that are being  
22 charged by the Authority are higher than is necessary  
23 or appropriate, but otherwise the refunding makes sense  
24 and we would approve it and conclude our review with  
25 otherwise having positive findings with the exception

1 of the fee. Any comments?

2 MR. THOMPSON: We've learned to stop  
3 when we're ahead.

4 MR. NEFF: Okay. I'll make the motion  
5 that we provide positive findings with the exception of  
6 the fees that are charged by the Authority.

7 MR. BLEE: Second.

8 MR. NEFF: Roll call.

9 MS McNAMARA: Mr. Neff?

10 MR. NEFF: Yes.

11 MS McNAMARA: Mr. Avery?

12 MS AVERY: Yes.

13 MS McNAMARA: Ms Rodriguez?

14 MS RODRIGUEZ: Yes.

15 MS McNAMARA: Mr. Blee?

16 MR. BLEE: Yes.

17 MS McNAMARA: Mr. Light?

18 MR. LIGHT: Yes.

19 MR. NEFF: Okay. So next up is Long  
20 Branch.

21 MR. CAPIZZI: Good afternoon. My name  
22 is Jason Capizzi. Our firm is bond counsel to the City  
23 of Long Branch. The application before you is seeking  
24 a waiver of down payment on improvements relating to  
25 Hurricane Sandy. And I'm available to answer any

1 questions you may have.

2 MR. NEFF: So first off, I think at the  
3 staff level the request here was to just have a waiver  
4 of a down payment for the total issuance.

5 MR. CAPIZZI: Yes.

6 MR. NEFF: And what we've said in the  
7 recent past with respect to some Sandy damage and other  
8 things is that at this point if a municipality knows it  
9 has some obligation that it's going to have to pay as  
10 opposed to being covered by FEMA or some other source  
11 that five percent has to be made on whatever that  
12 difference is. And our staff had reviewed the  
13 application and determined that amount to be  
14 approximately \$2.8 million which is the municipal  
15 liability. And that we would require a five percent  
16 down payment of that amount. So I think the  
17 recommendation here is to approve this but with a five  
18 percent -- five percent down payment of \$2,846,228.53.  
19 How you get a fifth of a penny, but. So as long as  
20 there's a down payment of five percent of \$2,846,000 we  
21 would probably approve it.

22 But I do also want to just note for the  
23 record that this morning at 9:30 after the meeting  
24 started for the Board, the ethics portion, we did get a  
25 letter from someone named Vincent Lepore who objected

1 to the timing of this matter suggesting that that they  
2 weren't going to have an opportunity to be heard on  
3 issues that were of concern to them. They believe that  
4 the cost of the project is too much. The boardwalk is  
5 going to be too much. And they want more information  
6 about the project. But I just want to go on record  
7 that, A, we just got this. We're not going to slow  
8 down this application with something being presented to  
9 us so late in the stage. I guess this ordinance was  
10 introduced when?

11 MR. CAPIZZI: October 14th.

12 MR. NEFF: October 14th. So almost a  
13 month ago. And this person will still have an  
14 opportunity to be heard at the local level presumably  
15 because you're going to have to amend the ordinance  
16 moving forward which will then give that person an  
17 opportunity to be heard at a local level.

18 MR. CAPIZZI: We have an amended  
19 ordinance drafted reflecting your recommendation. And  
20 that will be introduced tomorrow evening at the  
21 governing body's meeting.

22 MR. NEFF: Okay. So that will give that  
23 person an opportunity to be heard if they wish to be  
24 heard. And if they have ideas for how to do it more  
25 cheaply they can do that. We can let that person know



1 that we got their statement and that we shared it with  
2 people today. And we would ask that the township  
3 notify this person individually that the meeting is  
4 going to be held for an introduction tomorrow and  
5 solicit their concerns. And their name is Vincent  
6 Lepore, L-E-P-O-R-E, at 45 Marine Terrace. And I'll  
7 give you their telephone number separately. Somebody  
8 can just let them know so that they have an opportunity  
9 to be heard at the local level.

10 MR. CAPIZZI: We will. Thank you.

11 MR. NEFF: Any questions or concerns on  
12 this one? No? Make the motion that we approve  
13 contingent with the five percent down payment reflected  
14 in the amounts discussed.

15 MR. BLEE: Second.

16 MR. NEFF: Roll call.

17 MS McNAMARA: Mr. Neff?

18 MR. NEFF: Yes.

19 MS McNAMARA: Mr. Avery?

20 MS AVERY: Yes.

21 MS McNAMARA: Ms Rodriguez?

22 MS RODRIGUEZ: Yes.

23 MS McNAMARA: Mr. Blee?

24 MR. BLEE: Yes.

25 MS McNAMARA: Mr. Light?

1 MR. LIGHT: Yes.

2 MR. NEFF: Jersey City.

3 MR. CANTALUPO: John Cantalupo, Archer  
4 and Greiner, bond attorney for the City of Jersey City.  
5 To my right is Donna Mauer, the chief financial officer  
6 for the city and also Mike Hanley from NW Financial,  
7 the financial advisor to the city. Today we're here on  
8 the city's annual capital program to ask for permission  
9 to issue bonds under the Qualified Bond Act in the  
10 amount of \$34,714,280. The application sets forth the  
11 maturity schedule for the bonds which is conforming  
12 within the useful life for all projects set forth in  
13 the ordinance. We're here to answer any questions that  
14 you may have.

15 MR. NEFF: I don't think we have any or  
16 I have any at the staff level. Again, it's Qualified  
17 Bond Act material. So I just ordinarily it would be on  
18 consent because other municipalities wouldn't need our  
19 approval for this sort of thing, but it is Jersey City.  
20 And from time to time Jersey City's come in for  
21 transitional aid. So we wanted to at least make sure  
22 there was an opportunity for somebody to be heard if  
23 wanted to be heard. But I take it there's nobody in  
24 the audience who wants to talk about this one? I  
25 shouldn't say it that way. Is there anyone in the

1 audience who wants to be heard on this application?

2 No. So I think we'll be okay with this. Take a  
3 motion.

4 MS. RODRIGUEZ: Make a motion.

5 MR. LIGHT: Before the motion a question  
6 on the report concerning the city Incinerator  
7 Authority.

8 MR. NEFF: I can clarify that one for  
9 you. At the staff level we had raised questions of the  
10 applicant. There was a portion of the funds that were  
11 being used to make a grant to the authority to pay for  
12 capital equipment that's related to it's purposes. And  
13 we resolved that issue. There was a question as to  
14 whether legally they were able to do it. And the bond  
15 counsel provided an opinion that showed us where in  
16 fact they can borrow to pay for the needs of the  
17 Authority itself. It's acceptable.

18 MR. AVERY: I take it that's an old  
19 authority?

20 MR. NEFF: It's a very old authority.  
21 The Jersey City Incinerator Authority without an  
22 incinerator. Right?

23 MR. CANTALUPO: Yes.

24 MR. NEFF: Statutorily it's permitted to  
25 also engage in things like public works projects and

1 public works activities. So I think most of the  
2 equipment that is being purchased with the grant like  
3 snow plows, machinery that's needed for pick up of  
4 trash and that sort of thing.

5 MR. CANTALUPO: They serve a lot of the  
6 public works functions. Some of the public works  
7 function for the city.

8 MR. AVERY: I was trying to figure out  
9 where the incinerator was.

10 MR. NEFF: It doesn't exist. There was  
11 actually a legislation passed last year by the senator  
12 from Jersey City to expand the authority of the  
13 Authority to do more than just run an Authority or run  
14 an incinerator since it doesn't run one, but it does do  
15 things on behalf of the city that are otherwise  
16 appropriate and probably does a less expensive rate  
17 outside civil service I think than the municipality  
18 could do itself. Okay. So I think we have a motion.

19 MS. RODRIGUEZ: I made the motion.

20 MR. LIGHT: I'll second it.

21 MR. NEFF: We have a motion and a  
22 second. So we'll take a roll call.

23 MS McNAMARA: Mr. Neff?

24 MR. NEFF: Yes.

25 MS McNAMARA: Mr. Avery?

1 MS AVERY: Yes.

2 MS McNAMARA: Ms Rodriguez?

3 MS RODRIGUEZ: Yes.

4 MS McNAMARA: Mr. Blee?

5 MR. BLEE: Yes.

6 MS McNAMARA: Mr. Light?

7 MR. LIGHT: Yes.

8 MR. NEFF: Thank you. Next up is  
9 Weehawkin. Anybody from Weehawkin here? Thanks for  
10 coming, Mayor. I didn't think you were going to be  
11 here. We ordinarily, again, this is an application  
12 that we would have put on consent. And the only reason  
13 we didn't was we wanted some discussion on the record  
14 from the finance folks of the city to explain what  
15 level of funding has been authorized as Qualified Bond  
16 Act. And if all of that debt were to be issued  
17 tomorrow in theory what is the debt service that would  
18 be required on that debt as opposed to what is the  
19 state aid that goes to Weehawkin that's not otherwise  
20 used for the REAP purposes which is what could be set  
21 aside to make sure there's adequate state aid to pay  
22 the coverage. We just wanted something on the record  
23 to explain what is the answer to that question.

24 MR. HANLEY: As it relates to the two  
25 and a half million dollars there is likely debt service

1 on that would be about \$250,000.

2 MR. NEFF: I understand. So here's the  
3 question: There's lots of past issuances of debt that  
4 were authorized or requested to be issued pursuant to  
5 the Qualified Bond Act. If you total that all up what  
6 is that amount and how much is outstanding if you were  
7 to issue the balance that's been authorized as  
8 Qualified Bond Act debt? What is the debt service that  
9 would be needed annually to pay that? We want to know  
10 that if that were to happen there's actually enough  
11 state aid to cover the debt service payment.

12 MR. TURNER: I think the simple answer  
13 is there wouldn't be enough state aid to cover the debt  
14 service. But I think we only had two or three issues  
15 under qualified bond. This may be the third. The  
16 reason we went into qualified bonds is because the  
17 environmental infrastructure trust fund. We did a  
18 joint deal with the City of Union City to purchase a  
19 reservoir. We came before the Board for that. And  
20 they did not really want to rely on the fact that the  
21 debt would be in Weehawkin, but we have an interlocal  
22 agreement with Union City to pay us half of that debt.  
23 So they made us go into qualified bond. So once you're  
24 in it, you're in it. As the finance department has  
25 said many times, prior to doing that we would go out in

1 the bond market on our own and change notes to bonds.  
2 So if we don't have to come here all the time for  
3 qualified bonds, you know, our debt -- our bond rating  
4 was raised a year or two ago. And if we don't have to  
5 come here all the time we wouldn't be here all the  
6 time. You know, we have an issue coming up next year  
7 and I think several issues coming up. And in the past  
8 we've been very successful in the non-qualified market.

9 MR. HANLEY: And I think, I mean, kind  
10 of directly answer the question, we went in I believe  
11 in '13. Is that right? So there's only of the  
12 ordinances you see here of our existing debt that goes  
13 through the, you know, mostly through the program  
14 there's only 160,000 that was -- that the ordinance was  
15 done after '13. All the prior ordinances were done  
16 prior to being in the program.

17 MR. TURNER: And we wouldn't have been  
18 involved in probably '13 if it wasn't for --

19 MR. NEFF: I have like a really simple  
20 question. There have been applications to this Board  
21 to issue debt under Qualified Bond Act program. What's  
22 the total amount of those authorizations that were  
23 authorized to be issued pursuant to Qualified Bond Act  
24 that have either been issued or haven't been issued  
25 yet?

1                   MR. HANLEY: The existing qualified bond  
2 issue was -- I think it was about \$3 million.

3                   MR. TURNER: It was \$9 million for the  
4 reservoir, the joint purchase. And I think we only had  
5 one other issue.

6                   MS TOSCANO: It was roughly a million 9.

7                   MR. TURNER: A million 9 on the second  
8 issue. Prior to that we never --

9                   MR. NEFF: So between those two it's 11.  
10 And then with this it becomes like 13 and a half. If  
11 you were to issue all of that debt presumably the  
12 interest -- the maximum debt service payment would  
13 probably be something like, I don't know, you can be  
14 able to do it better than I can. But let's just say a  
15 million 5.

16                   MR. HANLEY: It would be something less  
17 than that.

18                   MR. NEFF: And what's the state aid  
19 between contra and energy receipts tax?

20                   MR. HANLEY: It's about a million 5.

21                   MR. NEFF: It's about million 5. But  
22 doesn't a portion of that then go to REAP?

23                   MR. TURNER: That's net.

24                   MR. NEFF: So you're right up around --  
25 your bumping up around the amount that if all of this



1 was to be issued as Qualified Bond Act the debt service  
2 is going to come close to whatever your state aid  
3 payment.

4 MR. TURNER: One of the things we kicked  
5 around, Mr. Chairman, one of the things we kicked  
6 around is we really felt we shouldn't had to do  
7 qualified bonds. It wasn't necessary for environment  
8 infrastructure trust fund. But we do have the joint  
9 with Union City. We pick up the whole debt. We undo  
10 the whole qualified bond. Union City reimburses half  
11 of it. So we've had discussions about seeing if we can  
12 get them to reverse that, you know, and allow us to --

13 MR. NEFF: I have even better news for  
14 you. I've asked for legislation, worked with  
15 bipartisan offices. And there's bipartisan  
16 legislation. Both houses of the legislature with  
17 sponsorship from both houses and from both parties.  
18 And one of the provisions that's in that bill would say  
19 that anybody who's been in the Qualified Bond Act  
20 program to the extent they come back they only need to  
21 come back to the Board if they're looking for, like, a  
22 waiver of maturity or something that would otherwise  
23 require you to come. You don't have to come here  
24 forever for every issuance that you ever do because I  
25 don't want to see you all the time either. I love you,

1 but I don't want to see you all the time. So hopefully  
2 that gets resolved.

3                   And on the issue of what has been  
4 authorized as a Qualified Bond Act or not, I think it's  
5 important to disclose not only to the Board when a  
6 municipality's coming in to have something authorized  
7 as QBA to explain very clearly what is the actual or  
8 maximum authorized amount that could be issued. What  
9 does that mean by way of debt service compared to the  
10 state aid so that we know that there actually is  
11 adequate coverage in the event that all the debt  
12 ultimately has to be issued. Some of the debt that's  
13 been authorized under Qualified Bond Act was issued as  
14 BAN's, right, through the Improvement Authority?

15                   MR. HANLEY: Only about 160,000.

16                   MR. NEFF: Oh, so very little.

17                   MR. HANLEY: That's why it's not as an  
18 easy a question to answer because Weehawkin has not  
19 been in the program. It is an easy question to answer.

20                   MR. NEFF: What has been issued for the  
21 \$9 million approval?

22                   MR. TURNER: That's the environmental  
23 trust fund. That was to purchase the United Water  
24 reservoir, but it's half being paid -- it's in  
25 Weehawkin. So we pick up the debt. We pick up the

1 qualified bond, but half of the cost is reimbursed by  
2 Union City.

3 MR. HANLEY: Prior to 2013 the township  
4 has always had market access including October of 2008  
5 which would have been the worse credit time. So the  
6 township never needed the qualified bond program for  
7 issuance. It entered it at the request of the trust to  
8 get that deal done and the arrangement with Union City  
9 and the purchase of the reservoir. And is now using it  
10 because it does provide some interest savings, but it  
11 is not an entry as far as having access to capital  
12 markets.

13 MR. TURNER: Everybody in the world told  
14 us buy the reservoir. So. In all honestly, the  
15 taxpayers have paid for that reservoir for a hundred  
16 years. So Union City and Weehawkin decided to save the  
17 reservoir. And then we got involved in this whole  
18 rigamarole where we had to go to qualified bonds. It  
19 was never declared anything except as soon as we bought  
20 it it was declared a hazardous damn. So now we had to  
21 do a report every six months on a site that we never  
22 bothered with a hundred years. So it's a very  
23 complicated process. And we would like to get out of  
24 it. So hopefully legislation goes through and we can  
25 get out of it.

1                   MR. NEFF: You wouldn't have had to have  
2 proposed this particular ordinance as a Qualified Bond  
3 Act ordinance?

4                   MR. HANLEY: Now, you wouldn't. But now  
5 that we're in the program we're seeking to take  
6 advantage of the situation that's available.

7                   MR. NEFF: You had to come to us anyway  
8 so you figured you might as well.

9                   MR. HANLEY: Exactly. Right.

10                  MR. NEFF: All right. I would just --  
11 all I would ask is that going forward when you do  
12 offering statements for debt or statements for  
13 perspective BAN's done through the Improvement  
14 Authority that there be some sort disclosure in those  
15 documents as to what has been authorized whether issued  
16 or unauthorized under the Qualified Bond Act program.  
17 That calculation as to what the maximum debt service  
18 would be if all of that debt was issued and what your  
19 aid is that's available to cover so that it's clear --  
20 that it's clear that either, A, the aid is enough to  
21 cover or if there's not there may be some difference in  
22 your disclosing. I don't know the answer to that  
23 question but actually Steve might. That's all.

24                  MR. TURNER: If you ever want to come up  
25 and see our reservoir you're all welcome. 15 acres of

1 water we now have.

2 MR. NEFF: Go work your magic and make  
3 Hudson County legislatures vote for our bill.

4 MR. TURNER: That's a very good idea.  
5 You know some of them. Maybe we could do that.

6 MS. RODRIGUEZ: I'll move it.

7 MR. LIGHT: I'll second it.

8 MR. NEFF: Have a motion and a second.  
9 Take a roll call.

10 MS McNAMARA: Mr. Neff?

11 MR. NEFF: Yes.

12 MS McNAMARA: Mr. Avery?

13 MS AVERY: Yes.

14 MS McNAMARA: Ms Rodriguez?

15 MS RODRIGUEZ: Yes.

16 MS McNAMARA: Mr. Blee?

17 MR. BLEE: Yes.

18 MS McNAMARA: Mr. Light?

19 MR. LIGHT: Yes.

20 MR. NEFF: Next up is Red Bank Borough.

21 I apologize that we're running so far behind.

22 Sometimes these things take longer than we want. And I  
23 think this is going to be fairly quick so there's not a  
24 lot of need for long discussion but if you want to  
25 summarize or introduce yours.

1                   MR. WINITSKY: Jeffrey Winitzky from  
2 Parker McCay, bound counsel to the borough of Red Bank.  
3 To my right is Eugenia Poulos who is the CFO, David  
4 Kaplan is the borough auditor and Stanley Sickels is  
5 the business administrator. The purpose of our  
6 application very briefly is seeking approval for the  
7 adoption of refunding bond ordinance to issue tax  
8 appeal refunding notes in the amount of \$675,000. The  
9 borough seeks to fund in cash the recent settlement of  
10 five tax appeals that have been hanging out there for a  
11 number of years. The borough's looking to amortize it  
12 over two years very quick to keep it around the \$50 per  
13 taxpayer mark. That's in a nutshell if you want the  
14 quick and dirty. If you have any questions for any of  
15 the members of the borough, the auditor, myself, please  
16 feel free to ask.

17                   MR. NEFF: I just have one question. I  
18 know that Red Bank and Monmouth County is moving to the  
19 PILOT program for assessments and issuing tax bills and  
20 all of that. So presumably this won't be an issue in  
21 the future.

22                   MR. WINITSKY: Right.

23                   MR. NEFF: Pursuant to that program.  
24 But what is the status of the re-val process now in Red  
25 Bank?

1 MS POULOS: We were asked by Monmouth  
2 County to do the reevaluation next year. Early in the  
3 year the ordinance was introduced and all the tax maps  
4 they were sent to the state for the revision. The  
5 whole process I believe it took nine, ten months.  
6 Finally in the about two months ago we got final  
7 approval from the state for the tax maps. And they  
8 would not allow us to go forward with the contract with  
9 the tax reevaluation company until they would approve  
10 the tax maps.

11 MR. NEFF: Right. And from the time the  
12 county asked Red Bank to do a reevaluation to the time  
13 that new tax maps were sent to the state for approval  
14 how long was that?

15 MR. SICKELS: Months. I don't have the  
16 exact -- months. But they asked us I think late last  
17 year and we budgeted for the tax that revisions. And  
18 the tax maps were sent I believe April to the state.

19 MR. NEFF: So maybe six months?

20 MR. SICKELS: Yes.

21 MR. NEFF: Okay.

22 MR. SICKELS: Approximately.

23 MR. NEFF: Okay. And then so it was a  
24 six month delay from the county asked for the  
25 reevaluation to be done until when the tax maps were

1 submitted to the state for approval?

2 MR. SICKELS: We had to go through the  
3 budget process and include the budget for this year.

4 MR. NEFF: Okay. The tax maps didn't  
5 have to be approved by the county. Correct?

6 MS POULOS: By the state.

7 MR. NEFF: Just by the state.

8 MS POULOS: And the state also has to  
9 approve the contract with the tax reevaluation company.  
10 So the tax reevaluation company would not start the  
11 work until the contract was approved.

12 MR. NEFF: Okay. I was a little  
13 confused because when I was reading the notes on the  
14 application I thought there was a suggestion that Red  
15 Bank had suggested that Monmouth County slowed the  
16 process down by not approving the tax maps but that --

17 MS POULOS: The state does.

18 MR. SICKELS: We actually asked them to  
19 accelerate the approval and to give us their permission  
20 to start reval prior to the approval of the maps and  
21 they wouldn't do it.

22 MS POULOS: They said it was very  
23 valuable being that it's the only one.

24 MR. NEFF: Okay. Got on it.

25 MR. SICKELS: And then the firm says we



1 can't get it done this year.

2 MR. NEFF: So back to the proposal.

3 It's a two year spread which has about an annual \$50.

4 The Board's policy has always been that we approve

5 those things. Don't see anything that out of line in

6 it. No, I guess -- no, nothing looked out of line.

7 Anybody questions, comments, concerns on this one? No.

8 MR. BLEE: Motion to approve.

9 MR. NEFF: I'll second it. Roll call.

10 MS McNAMARA: Mr. Neff?

11 MR. NEFF: Yes.

12 MS McNAMARA: Mr. Avery?

13 MS AVERY: Yes.

14 MS McNAMARA: Ms Rodriguez?

15 MS RODRIGUEZ: Yes.

16 MS McNAMARA: Mr. Blee?

17 MR. BLEE: Yes.

18 MS McNAMARA: Mr. Light?

19 MR. LIGHT: Yes.

20 MR. NEFF: Thank you.

21 MR. McMANIMON: Thank you. Ed McManimon

22 from McManimon, Scotland and Baumann, bond counsel for

23 the City of Bayonne. This is a request that's related

24 to the approval that this Board granted in August of

25 2013 to dissolve the Bergen -- I mean the Bayonne Local

1     Redevelopment Housing Authority. They provided at the  
2     time that there were expenses that had to get absorbed  
3     into the budget which is normal when you dissolve an  
4     authority. And I guess there was some question when  
5     they went to put them into the budget this year that  
6     they were -- it was not clear that they had been  
7     approved by this Board. So it's basically asking for  
8     this approval to the Board for \$500,000 of those  
9     expenses which are continuing litigation, environmental  
10    and planning and related expenses that are absorbed as  
11    part of the dissolution of the redevelopment agency.  
12    So Terrance Malloy who is the chief financial officer  
13    is here if you have questions about any of the specific  
14    amounts or conceptually what they're seeking to do.

15                   MR. NEFF: Just one quick question.  
16    Where's the audit for Bayonne that's now -- it's almost  
17    five months overdue.

18                   MR. MALLOY: The audit's basically  
19    completed. They're now waiting for the final audit of  
20    the Local Redevelopment Authority which we're hoping to  
21    get wrapped up in the next 30 days.

22                   MR. NEFF: The next 30 days?

23                   MR. MALLOY: Yes.

24                   MR. NEFF: Not trying to be  
25    argumentative, but why wasn't it been done yet?

1                   MR. MALLOY: To be honest with you, that  
2 had fallen off of our radar. And it was only when the  
3 city's current audit was being wrapped up it was then  
4 asked if the redevelopment authority audit, final  
5 audit, had been completed.

6                   MR. NEFF: And do you essentially have a  
7 draft audit done for Bayonne that's just missing that  
8 one piece?

9                   MR. MALLOY: I haven't seen the draft  
10 audit, but I'm sure we can have a draft audit sent down  
11 here very quickly.

12                  MR. NEFF: Yeah, I would ask that. And  
13 whatever condition your audit is in now we'd like to  
14 see that because I think you should know it's always  
15 annual challenges in Bayonne. And we don't want to get  
16 caught at the last minute hearing about how Bayonne has  
17 large problems and doesn't know how to deal with them  
18 and any of that.

19                  MR. MALLOY: There won't be any  
20 surprises.

21                  MR. NEFF: Okay. So I guess we'd make  
22 -- the recommendation would be that we approve this  
23 contingent on receiving the audit, final audit, in the  
24 next 30 days and a draft audit as soon as possible.

25                  MR. MALLOY: Sure.

1                   MR. NEFF: Otherwise it's sort of a  
2 technical change in how they're budgeting. How are the  
3 operating expenses of the authority paid for now when  
4 they're not paid for with a tax levy?

5                   MR. MALLOY: I'm sorry?

6                   MR. NEFF: The payments, the operating  
7 payments of the authority now how are they paid?  
8 They're not paid through a tax levy, are they? Or are  
9 they paid for through a grant that comes from the  
10 municipality?

11                  MR. MALLOY: Currently the carryover  
12 expenses of the LRA they're rolled into the municipal  
13 budget. The proceeds being received from ongoing -- I  
14 shouldn't say ongoing at this point. From prior LRA  
15 activity is in excess of -- on the amounts being called  
16 for in the budget.

17                  MR. NEFF: Any questions on this one?

18                  MR. LIGHT: I move the application.

19                  MR. BLEE: Second.

20                  MR. NEFF: Roll call.

21                  MS McNAMARA: Mr. Neff?

22                  MR. NEFF: Yes.

23                  MS McNAMARA: Mr. Avery?

24                  MS AVERY: Yes.

25                  MS McNAMARA: Ms Rodriguez?

1 MS RODRIGUEZ: Yes.

2 MS McNAMARA: Mr. Blee?

3 MR. BLEE: Yes.

4 MS McNAMARA: Mr. Light?

5 MR. LIGHT: Yes.

6 MR. NEFF: Thanks. Millville.

7 MR. McMANIMON: Ed McManimon, bond  
8 counsel for the City of Millville. To my left is  
9 Marcie Shephard who is the city's chief financial  
10 officer. I have Brian Rosenberg to my right who is the  
11 city assessor. And then Lynn Porecca Compari who is a  
12 commissioner on the Board of Commissioners of the city  
13 who has shepherded the efforts to dissolve the center  
14 city revenue allocation district.

15 This application seeks to dissolve the  
16 only existing revenue allocation district in the State  
17 of New Jersey. There was a significant amount of  
18 effort over a year period back in 2006 to establish the  
19 RAD. It involves a redevelopment project which could  
20 be provided for without having a revenue allocation  
21 district, but at the time the city felt that if they  
22 took this project that was a catalyst for development  
23 in a section of the city that it was felt needed some  
24 directed and dedicated revenue that if they created  
25 this revenue allocation district it would provide a

1 portion of the revenue. It's 50 percent. The statute  
2 allowed a hundred percent. But 50 percent under the  
3 way that it was created was established to go directly  
4 to support services and improvements or whatever in  
5 this revenue allocation district. The remaining  
6 50 percent was divided up in the normal way the taxes  
7 are divided up.

8           The project itself is a large retail  
9 outlet center right off of Route 55. There are two  
10 separate payments in lieu of tax agreements. One is a  
11 five-year short-term tax abatement which results in  
12 0 percent, 20 percent, 40 percent, 60 percent,  
13 80 percent and then a hundred percent full taxes at the  
14 end of the five years. And with the exception of the  
15 Target facility in this area the rest of it was  
16 subjected to five-year short-term tax abatement. And  
17 it has largely been filtered out. Each of the  
18 facilities begins its PILOT at the time when they  
19 occupy. And as an exhibit to the application which was  
20 forwarded it reflects that most of these retail outlets  
21 are now full taxes and a portion of them are still at  
22 the end of the five-year period. The remaining project  
23 was Target which is a 15-year payment in lieu of taxes.  
24 And that's halfway through its cycle. After which it  
25 becomes subject to full tax.

1                   I'll let Ms Compari explain the reason  
2 why that the city has decided that it no longer desires  
3 to have a dedicated district for these revenues to be  
4 provided specifically for and instead to have the  
5 revenues that are produced to be used throughout the  
6 city as the basis for, you know, a very beneficial  
7 project that has produced significant benefits to the  
8 city, but the view is the city ought to have them in  
9 its entirety rather than just as district. If you'd  
10 like to add anything to that.

11                   MS COMPARI: Basically, it's a very  
12 complicated program. When we went back and we looked  
13 at it we have to compute the taxes a little bit  
14 differently than had been computed past. That's going  
15 to result in a two and a half cent increase to the  
16 citizens of Millville which we really can't afford at  
17 that time. The other issue is it's very costly for the  
18 city. We have a different area. We have to take care  
19 of it. It costs an auditor. There's a cost in extra  
20 bank accounts, extra work for the CFO. Presently the  
21 RAD's not self-supporting. It's not paying for the  
22 bonds on its own so we have to take additional revenue  
23 out of the general fund anyhow to support it. So it's  
24 really not giving the city any benefit at this time.  
25 And it's costing us more money.

1                   MR. NEFF: Any questions? No? So all  
2 of the debt that's been issued either through the RAD  
3 or the municipality it's all going to continue to be  
4 paid only through the municipality's general fund?

5                   MS COMPARI: Correct.

6                   MR. NEFF: All right. And you can  
7 continue to collect the funds statutorily even though  
8 they're not dedicated to this particular debt service  
9 or no statutory impediments that continue to block the  
10 funding?

11                   MR. McMANIMON: I can answer that. Yes,  
12 this is a revenue that comes into the city. And  
13 because of the RAD it sort of got stopped and put into  
14 a different fund. And it just won't go into that fund  
15 anymore. It's still revenue that's coming in. It's  
16 still revenue that can be used to pay debt services on  
17 all the bonds, but this is a general obligation bond  
18 now that will be made a general obligation bond that  
19 will be payable from all the revenues. And all those  
20 revenues will support the entire city.

21                   MR. NEFF: Okay. All right.

22                   MR. BLEE: Motion to approved.

23                   MS. RODRIGUEZ: Second.

24                   MR. NEFF: Roll call.

25                   MS McNAMARA: Mr. Neff?



1 MR. NEFF: Yes.

2 MS McNAMARA: Mr. Avery?

3 MS AVERY: Yes.

4 MS McNAMARA: Ms Rodriguez?

5 MS RODRIGUEZ: Yes.

6 MS McNAMARA: Mr. Blee?

7 MR. BLEE: Yes.

8 MS McNAMARA: Mr. Light?

9 MR. LIGHT: Abstain.

10 MR. McMANIMON: Thank you very much.

11 MR. NEFF: Next up we have Tabernacle.

12 I'm going to ask does anybody need to take a bathroom  
13 break before we do this because this may take a little  
14 while? Just going to take a two-minute break and then  
15 we'll finish up with Tabernacle. Make sure everybody  
16 has a chance to testify and wants to testify.

17 (Whereupon there is a recess.)

18 MR. NEFF: So we're starting again after  
19 our brief recess. And I want to emphasize we've had  
20 one hearing on this already. So I don't want to become  
21 to repetitive. We have a record. We have lots of  
22 written materials from folks that's been disseminated  
23 to people on the Board. So there's a lot on the record  
24 already and I just ask that people keep your comments  
25 pointed, direct and to not be repetitive which I'm now

1 repeating myself. So with that why don't we just ask  
2 the municipality to start off and introduce yourselves  
3 and start off.

4 MR. FRENIA: Kevin Frenia, township  
5 auditor.

6 MR. LANGE: Peter Lange, township  
7 solicitor.

8 MR. CRAMER: Douglas Cramer, the  
9 administrator of Tabernacle Township.

10 MR. SMITH: David Smith, fire chief.

11 MS BROWN: Kimberly Brown, township  
12 committee member.

13 MR. LEE: Stephen Lee, The Fourth,  
14 deputy mayor, Tabernacle Township.

15 MR. LANGE: Chairman Neff, members of  
16 the Board, thank you for the time today. I will heed  
17 the warning of Mr. Neff trying not to be repetitive or  
18 repeat performance of prior testimony. We know from  
19 our experience thus far that you're very thorough in  
20 your review of the written materials and prepared.  
21 That being said, we did want to apply or respond to the  
22 latest reply submitted by the fire commissioners and  
23 Mr. Braslow as brief as that may be. But before we do  
24 that, I would submit that there are no real issues  
25 concerning finances and/or the economic impact on the

1 municipality. As has been established for the Board,  
2 there is no outstanding debt associated with the fire  
3 district. We have Mr. Frenia, our auditor, here who  
4 testified the last time. I think his testimony can  
5 fairly and accurately characterized as if there would  
6 be no financial impact as there is no assumption of  
7 debt. We would simply assume -- the township would  
8 simply assume the revenue associated with their budget  
9 and then be tasked with delivering services within the  
10 confines of that present budget.

11                   So before we move on to what I think is  
12 the more substantive issue or the issue of the  
13 township's ability to provide fire fighting service,  
14 adequate fire fighting service, I would invite the  
15 Board if you have any other questions or concerns about  
16 finances Mr. Frenia is here for that purpose. And if  
17 Kevin wanted to make a quick remark in advance thereof  
18 I'll ask him to do that now.

19                   MR. FRENIA: No, I think at the last  
20 meeting I think I testified as there will be very  
21 little impact if any to the township financially.  
22 Perhaps actually savings to the taxpayers.

23                   MR. NEFF: And I do want to clarify,  
24 also. Statutory basis for this Board to review a  
25 proposed dissolution of an authority is really to look

1 at two things. It's to look at whether or not the  
2 municipality is prepared in its ordinance to assume the  
3 debts and liabilities of the authority that it's  
4 seeking to dissolve. That's one. I don't think  
5 there's any issue there. And the second is for this  
6 Board to make a determine that there's -- that the  
7 service that's currently being provided by the district  
8 can be provided by the municipality or has plans to  
9 provide that service moving forward. Those are our two  
10 and only two statutory basis for either saying yes or  
11 no to what the municipality's proposing. So what I  
12 don't want to hear is a whole lot of discussion about  
13 whether this is going to save money or cost more money  
14 because at the end of the day those are all relevant  
15 issues but not for this Board. Statutorily that's not  
16 what we look at. There are issues that have been  
17 raised to the Board as well about procedural matters  
18 that should make this ordinance in firm relating to  
19 Open Public Meetings Act issues. Again, that's not  
20 this Board's jurisdiction. And we're not going to be  
21 ruling on those types of things. So obviously, if the  
22 Board were to approve the dissolution then if there's  
23 litigation and there's a determination that  
24 procedurally what's happened is flawed, then it  
25 wouldn't be able to move forward, but that's not going

1 to be our jurisdiction in this matter. It's those two  
2 statutory standards. So I would ask the people please  
3 keep your comments focused to those issue as well.  
4 Sorry for interrupting your train of thought.

5 MR. LANGE: Thank you for that Chairman  
6 Neff. That being said on the first prong, if there are  
7 any questions for Mr. Frenia of the Board he'd happy to  
8 respond now. Otherwise, I'll move on to the second  
9 prong. We recognize that obviously one of the Board's  
10 function is to be comfortable and to understand how and  
11 be assured that the community will be able to continue  
12 to provide a very important service, namely fire  
13 fighting service to the residents and the community. I  
14 think I speak for the committee and those that are  
15 sitting at the table today when I indicate that we have  
16 no concern about that ability. We have with us today  
17 the chief of both of the fire companies, same person,  
18 Chief Smith, who is here to respond to questions and  
19 will have brief comment on his belief as to the  
20 volunteers and their ability to provide continued  
21 service.

22 But before we do that, I wanted to give  
23 our committee person, committeewoman, Kim Brown, an  
24 opportunity to respond to one assertion that's made in  
25 the reply of the commission. And that goes to, I

1 guess, functionality. And thereby, an ability to  
2 provide for the fire fighting service. With that, Ms  
3 Brown, I would ask that you comment on the commission's  
4 assertion that somehow the township committee is  
5 involved with they're otherwise connected to some of  
6 the functionality, some of the management and delivery  
7 of services that have tangentially been involved and  
8 your consideration of this issue. So it was asserted  
9 by Mr. Braslow on behalf of the commission that the  
10 township committee had something to do with the  
11 creation of the second fire company. And I'd ask Ms  
12 Brown to respond to that hat this time.

13 MS BROWN: The first time I heard of the  
14 creation of a second fire company was at a meeting I  
15 attended in February of this past year. I believe it  
16 was February 20th. And as a solution it was proposed  
17 to us that they were going to form a second fire  
18 company. And the only question we asked was how are  
19 you doing this? What flow is it going to have as far  
20 as the purpose for it? And they explained to us that  
21 they are in the process of putting this together.  
22 They're going to have a second fire company. They  
23 believe that will help them with the problems that  
24 they're currently having now and enable them to move  
25 forward as far as continuing to provide fire services

1 to the township. And it was even mentioned that  
2 counsel would be helping them prepare their bylaws.  
3 And now, whether he did or not, I don't know, but at  
4 that time that was what was made to us. So it was our  
5 assumption that the commission was on board. This is  
6 what they were doing because they brought this to us.  
7 We didn't ask for it. We had nothing to do with it.  
8 And we just literally sat back to watch and see what  
9 they were doing.

10 MR. LANGE: Thank you. Does Mr. Lee  
11 want to add to that in any way.

12 MR. LEE: Not at this time.

13 MR. LANGE: All right. Very good.  
14 We'll move on to our ability have provide service. We  
15 have Chief Smith.

16 BY MR. LANGE:

17 Q. Chief, can you tell Board what fire  
18 companies are you presently the chief of. Elected --  
19 dually elected chief of?

20 A. Medford Farms Volunteer Fire Company which is  
21 under contract with the Tabernacle Board of Fire  
22 commissioners at this time and the newly formed fire  
23 company Tabernacle Fire Number One.

24 Q. And can you tell the Board -- it's  
25 assertion of the commissioners and in opposition to the

1 application that the Board should be very concerned  
2 about our ability to go forward and provide for the  
3 needs the residents because of -- in light of the  
4 dissolution. I think that it's fairly characterized  
5 that their assertion is that many of the volunteers  
6 would be, let's say, disenchanted over the process and  
7 the fact that dissolution may have occurred and would  
8 then refuse to serve or not continue in their volunteer  
9 efforts to provide the township with fire fighting  
10 services post dissolution under the direction and  
11 control of the township. Could you explain to the  
12 Board whether or not you have any concerns? And if  
13 not, why you're not concerned about that issue?

14 A. I'm not concerned because the people that  
15 volunteer, the main core of people, are going to  
16 volunteer no matter if we're underneath the fire  
17 district or not. It's just a tradition Tabernacle, the  
18 volunteers, we do what we have to do. There is a small  
19 group that's I'm sure opposed to it but a much larger  
20 group in favor of it.

21 Q. How many members are there currently in  
22 the Medford Farms Volunteer Fire Company?

23 A. 39.

24 Q. How many members are there currently in  
25 the new fire company that was created with the



1 assistance of the district?

2 A. 32.

3 Q. How many approximate interior, however  
4 you may want to classify them, interior firefighters,  
5 are able and willing participants in the new fire  
6 company that may in fact go forward to provide services  
7 upon dissolution? How many of those 30 some members  
8 are interior qualified firefighters?

9 A. I believe it's like 21 to 22 people.

10 Q. Okay. Is that roughly consistent with  
11 what's always existed in town?

12 A. Yes.

13 Q. Even with the Medford Farms Fire  
14 Company. Is that right?

15 A. Yes.

16 Q. And you know all these people. Right?

17 A. Yes.

18 Q. And you've discussed these issues about  
19 their readiness, their willingness post dissolution, in  
20 the event of a dissolution, no dissolution, they're  
21 willingness and desire to go forward to continue to  
22 serve as they have in some instances for generations.  
23 Have you had discussions like that?

24 A. Yes.

25 Q. And is there any doubt in your mind that

1     there will be sufficient capacity to provide the same  
2     or better level of service as has always been provided  
3     to the residence?

4     A.     I believe we will, yes.

5            Q.         Okay.  And what do you base that on?

6     A.     Knowledge, talking to the guys, the 22 people  
7     that joined from the Medford Farms to the Tabernacle.  
8     We do this because of the residents.  It's nothing  
9     about -- nothing else but the residents.  And I just  
10    can't stress that enough.  That's why we do it.

11          Q.         And have you been assured by the core of  
12    volunteers that irrespective of the Board's decision  
13    that they'll be there for the residents?

14    A.     Absolutely.

15          Q.         Have they told you that in fact they  
16    just want this over with and want to go forward?

17    A.     They want this chapter done with and move on.

18          Q.         And the commissioners in their reply  
19    have advised the Board that in fact there has been a  
20    significant impact on response times given the pendency  
21    of the application.  So the mere idea that the  
22    dissolution may occur they assert has negatively  
23    affected response times.  Do you believe that to be  
24    correct?

25    A.     No, it's not correct.

1 Q. And did you have an opportunity to  
2 review the response times that existed at the time  
3 former Chief Welling who has in fact submitted letters  
4 to the Board highlighting that potential problem and  
5 urging the Board to reject the application due to this  
6 net opinion in that regard? Have you had an  
7 opportunity to research the relative response times in  
8 2010 when he was last chief?

9 A. Yes. And there's two response times that we go  
10 by in district, the calls within our township and out  
11 of our township. In our township when Chief Welling  
12 was there in 2010 the average response time was 6:54 in  
13 district and out of district it was 7:48. This year so  
14 far under my command it's 6:30 in town and 8:38 out of  
15 town.

16 Q. So this year response time for in  
17 district calls has significantly been reduced. Is that  
18 correct?

19 A. Yes.

20 Q. And it has increased by almost the same  
21 amount for out of district. Right?

22 A. Yes.

23 Q. Now, are those numbers -- so they're  
24 roughly the same. Is that correct?

25 A. Yes.

1 Q. And one could argue a little better in  
2 district. Is that right?

3 A. Yeah, would be a little better in district.

4 Q. Okay. And is it a fair comparison year  
5 to year of those numbers in your opinion?

6 A. It's really not. From year to year you don't get  
7 the same calls every year. So numbers are going to  
8 fluctuate no matter where the bulk of the calls are in  
9 town. Our town that's 48 square miles. So we have one  
10 fire station. So it depends where the bulk of the  
11 calls are what your response times's going to be.

12 Q. In your opinion as chief has the  
13 pendency of this application negatively affected  
14 response times?

15 A. No.

16 Q. Do you think that the community and its  
17 volunteers will be as ready to fight fire today --  
18 tomorrow as they are today irrespective of the decision  
19 by the Board?

20 A. Yes, I believe we'll continue.

21 Q. Is there anything else at this point  
22 Chief Smith that you'd like to add on the application  
23 for dissolution?

24 A. No, I'm good. Thank you.

25 MR. LANGE: The Board has any questions

1 for Chief Smith.

2 MR. NEFF: Any questions?

3 MR. AVERY: I just how many calls in  
4 district versus out of district do you respond to  
5 generally?

6 MS. SMITH: We're 3 -- like around 380  
7 right now. And 54 percent's in town.

8 MR. AVERY: Thank you.

9 MR. NEFF: And you've been chief of each  
10 department for how long?

11 MS. SMITH: Medford Farms since '12.

12 MR. NEFF: Since 2012?

13 MS. SMITH: Right.

14 MR. NEFF: And prior to that you were  
15 member of the.

16 MR. SMITH: I've been an officer in and  
17 out for the last 20 some years. I've been there 27  
18 seven years with this department.

19 MR. LANGE: And he's been the chief of  
20 the new company since its inception.

21 MS. SMITH: I was chief of the  
22 neighboring town 2010 I believe. 2009.

23 MR. NEFF: Do you have any formal  
24 position with the municipality itself like department  
25 director or anything like that?

1 MS. SMITH: No.

2 MR. NEFF: Okay. All right.

3 BY MR. LANGE:

4 Q. Chief Smith, can you tell the Board  
5 about mutual aid?

6 A. Yeah, it's what we depend on. Anybody we're out  
7 there in Pines. We don't have a hydrant system. A lot  
8 of our mutual aid is for water. If there's a fire we  
9 have to shuttle it in on tankers. We also need engines  
10 as mutual aid to draft in order to refill our tankers.  
11 Like I said, our town's 48 square miles. To get on one  
12 part of our town -- actually two different parts of  
13 your town. To South Hampton part if we go through in  
14 South Hampton to get to Tabernacle it's quicker than  
15 weaving around through Tabernacle to get to avenues and  
16 certain areas in Tabernacle. So of course if we have  
17 to pass their firehouse or come close to their  
18 firehouse. I have them dispatch just because I don't  
19 care what color the fire truck is that shows up and  
20 helps my residents. I just want the closest and the  
21 one there. Also we're where our deputy mayor lives we  
22 have to go -- it's quicker to go through Woodland  
23 township to get his house instead.

24 Q. So Woodland's company is actually closer  
25 to the deputy mayor's house. Right?

1 A. About ten miles.

2 MR. LEE: The fire company, the Medford  
3 Farms Fire Company dispatch house is 14 miles from  
4 where I live. And the closest firehouse is about four  
5 miles away but their membership is very low. Not as  
6 strong as Tabernacle.

7 BY MR. LANGE:

8 Q. Chief, the point I'm trying to make is  
9 isn't it for many, many years the town and all the  
10 rural municipalities in the Pinelands dependent upon  
11 this mutual aid?

12 A. Absolutely, yes.

13 Q. And does it work?

14 A. Yes.

15 Q. And has it worked for years?

16 A. Yes.

17 Q. And is it continuing in its growth and  
18 cooperation among the communities?

19 A. Yes, we sign a -- everybody within Burlington  
20 County signs a mutual aid agreement.

21 Q. And 46 percent of the calls so far this  
22 year have been Tabernacle going out of town to  
23 reciprocate. Right?

24 A. Yes.

25 Q. And sometimes it's different percentage.

1 Sometimes, you know, what Tabernacle does is a big  
2 player in the municipal -- in provision of mutual aid.  
3 Is that correct?

4 A. Yes.

5 MR. LANGE: All right. Any other  
6 questions on that from the chief? Otherwise, I'll move  
7 on to the administrator and I'll try to keep moving  
8 quickly, Chairman Neff. We have Mr. Cramer, our  
9 township administrator.

10 MR. NEFF: If I could just ask one more  
11 quick question. And I'm not sure I'm asking it of the  
12 right person. But there was some sort of I think  
13 approval at the fire district level to purchase a new  
14 fire truck or some sort of equipment. And presumably  
15 that's needed. Although, my understanding is there was  
16 some sort of patching up of whatever equipment existed  
17 in the interim to keep it running. Is the municipality  
18 prepared to purchase a new truck in lieu of the fire  
19 district if that's necessary or to otherwise continue  
20 to maintain the trucks that exist so that they can  
21 continue to function? That's really a question for the  
22 municipality.

23 MR. LANGE: Mr. Cramer wants to field  
24 that question.

25 MR. CRAMER: With the approval of the



1 committee we would move forward on that. I was invited  
2 by the chief to go to the firemen's convention in  
3 Wildwood this past month, previous month. And I looked  
4 at all the trucks that they had looked at, including  
5 crawling underneath of them. I've had over 27 years of  
6 spec'ing equipment and purchasing equipment as director  
7 of Public Works. Also came from a family business that  
8 was in the trucking and equipment business. So I have  
9 a background in that. And we have reviewed what the  
10 repairs they have made to their engine that was in an  
11 accident in there. They did not refurbish. They did  
12 repairs. It may not have been the most prudent  
13 financial step to take at the time but it's one they've  
14 taken. And we will address how to deal with that truck  
15 going forward whether to continue with the  
16 refurbishment or dispose part of the overall equipment  
17 plan.

18 MR. LANGE: And we have two members of  
19 the committee. They're here. They can't speak for the  
20 entire committee of course, but does Committeewoman  
21 Brown to want to speak to the township's consideration  
22 or willingness to entertain the purchase of a new truck  
23 that's been authorized by the voters pursuant to the  
24 district election?

25 MS BROWN: Speaking for myself, I'm

1 prepared to move forward. And I know Mr. Lee -- I  
2 don't want to speak for you. Go right ahead.

3 MR. LEE: In terms of the voters'  
4 wishes, they approved a truck in February. And as far  
5 as we're concerned it's responsibility of the township  
6 committee to continue with that wish. If we're going  
7 to oversee the fire district or the fire company, the  
8 fire services in Tabernacle it's our responsibility to  
9 provide the fire company with the tools necessary to do  
10 their job.

11 MR. NEFF: Are either of you aware of  
12 any of your colleagues who may have said, oh, hell no,  
13 we're not buying this fire truck.

14 MS BROWN: Not at all. Not at all.

15 MR. NEFF: That's not an issue that may  
16 be leading to some of this acrimony?

17 MS BROWN: No.

18 MR. NEFF: Or differences?

19 MS BROWN: I know at one point our mayor  
20 said it hadn't been discussed. Well, it hadn't been  
21 discussed among the committee because although Mr. Lee  
22 and I have had conversations since we sat on the  
23 subcommittee. That was our intention to move forward  
24 with that and to get to this point that we get a yes or  
25 a no. And then we will move forward if we get the

1 approval to go out and get the truck that the fire  
2 company needs to provide fire services. We never  
3 wanted to not give them what they need because safety  
4 is very important to our volunteers.

5 MR. LIGHT: If the truck was approved by  
6 the vote in February why are we now in November? Where  
7 does it stand?

8 MS BROWN: That would have been  
9 purchased by the fire district. And I'm sure when they  
10 come up they'll explain why it has not been purchased,  
11 but it has nothing to do with us.

12 MR. LANGE: Mr. Light, it's our  
13 understanding that in light of the pending application  
14 for dissolution that the funding entities refuse to  
15 provide the funding. Otherwise, the fire district I  
16 think would have gone forward and purchased the new  
17 truck that was authorized by the voters.

18 MR. LIGHT: It would be up to the  
19 district to provide the funding, the fire commission.

20 MR. LANGE: Well, correct. But they  
21 were unable I think to obtain commitments for that  
22 finding and financing, that's what we're told, based on  
23 the pendency of the dissolution application but the  
24 committee has not been involved in that.

25 MR. NEFF: And there is some reference

1 to that on the record, the written record that we've  
2 received that the fire district has had issues getting  
3 financing because nobody wants to give them money to  
4 buy a truck because they're concerned that somehow  
5 they'll buy the truck and then they won't get paid  
6 which is of course a stupid concern from the banks  
7 because there's a state law that says if they get  
8 dissolved then the municipality has to pay for the  
9 truck. But, be that as it is it's nobody's fault in  
10 this room but the banks aren't always the most  
11 reasonable people in the world when it comes to lending  
12 money. So.

13 MR. LANGE: And our proposed ordinance  
14 makes it abundantly clear that we would assume that  
15 responsibility. I think that our administrator, Mr.  
16 Cramer, has some further comments regarding mutual aid  
17 and capacity.

18 MR. CRAMER: Yes. First of all, we  
19 value our volunteers tremendously in our community. We  
20 couldn't survive without them in all whether it's  
21 athletics, whether it's firefighting, whether it's EMS,  
22 we cannot work without them. The mutual aid has  
23 provided countywide, the county's taking the lead to  
24 make sure we all sign that, allowed us not to have  
25 redundancy of same equipment in side to side towns. We

1 have someone -- we have most of our surrounding  
2 communities have tankers. We're a part of a tanker  
3 task force which has provided the bulk of the  
4 responsibility for the ISO rating being lowered in our  
5 community. And those communities would continue to  
6 support that effort including we've also included a  
7 town in Atlantic City, City of Hammonton, provided part  
8 of that tanker task force to provide the rating so that  
9 that rating was reduced.

10                   With discussions with the representative  
11 from the insurance services office I've learned that --  
12 or confirmed that the rating stays with the community.  
13 It is not specific to a fire company or a fire  
14 district. We would have to go through the same process  
15 as we move forward for the timely review. Probably  
16 over the next few years they would review our  
17 standings. And we would continue to have to meet the  
18 standards that the current fire company or possibly  
19 future fire company would have to meet. So from that  
20 standpoint changing the district and changing the  
21 company does not take that rating away from us. It's a  
22 proven rating which we would have to continue to verify  
23 as present companies and district does, also.

24                   In Mr. Welling's letter he made a lot of  
25 statements about firefighters fearing dissolution and

1 not participating and that if you see fit not to  
2 dissolve the district that they would return. I have  
3 issue with that that that is essentially holding the  
4 community hostage. The statements were made back in  
5 December by a number of firemen at the public hearing.  
6 They've made good -- this small group has made good on  
7 this promise. And they're presenting it as though it  
8 affects a larger group of firemen than it actually  
9 does. And I would ask the Board not to reward this  
10 type of behavior.

11 BY MR. LANGE:

12 Q. Mr. Cramer, is there any doubt in your  
13 mind whether or not Tabernacle Township would be able  
14 to provide adequate firefighting service in the event  
15 of a dissolution because of this indication by a  
16 minority of the volunteers that they would be unwilling  
17 after dissolution to serve the township?

18 A. I believe there's a core group of firefighters  
19 that want to move forward. It's a large enough group  
20 and a talented enough group and a dedicated enough  
21 group to move forward without any reservations that  
22 fire service would not continue in our community as it  
23 has for generations in the past.

24 Q. And how do you know that?

25 A. Through discussions with the chief, discussions

1 with a number of members. I have worked side by side  
2 with most of these members in a number of major fires.  
3 The Public Works department provides them with the  
4 heavy equipment. And in fire -- the major fire that  
5 happened in our community was the Foster Tire fire  
6 where we were one of the largest tire fires in the  
7 State of New Jersey. I was an equipment operator for a  
8 short portion of that. And became in charge of all the  
9 heavy equipment that eventually put the fire out. So  
10 that was my role in that fire. I have also served with  
11 the --

12 Q. You work side by side with a lot of  
13 these same volunteers. Right?

14 A. Yes, I do.

15 Q. So you have a relationship with many of  
16 them. Right?

17 A. Yes, I do.

18 Q. And you know them. Right?

19 A. Yes, I do.

20 Q. And you've talked to large majority of  
21 them. Is that correct?

22 A. I've talked to a large number, yes.

23 Q. And in fact, you come from a family of  
24 firefighters been fighting fire in Tabernacle for  
25 generations. Right?

1 A. They're been fighting fire in the surrounding  
2 communities from my great grandfather all the way  
3 through to my son have all been firefighters in  
4 neighboring towns. I grew up with my father as  
5 president of the fire company in the neighboring town.  
6 Spent my childhood basically around the firehouse.  
7 Through a series of personal situations I have not been  
8 a firefighter in a local community, but I have served  
9 with the forest fire service a number of times.

10 Q. So do you believe that the municipality  
11 will in fact be as ready to fight fire tomorrow as it  
12 is today irrespective of the Board's decision?

13 A. Yes, I do.

14 MR. LANGE: That being said, that's all  
15 we have for our presentation. We did not want to  
16 reiterate much of what was said at the previous hearing  
17 or go over the documents and paperwork that's been  
18 submitted, but we're certainly willing to respond to  
19 any questions or concerns about any of that the members  
20 of the Board may have at this time.

21 MR. NEFF: Anybody else have questions?

22 MR. LIGHT: I hope it's two quick  
23 questions. If I understand correctly, there are two  
24 fire companies in one fire district. Right?

25 MR. CRAMER: That is correct.



1 MR. LIGHT: That's the structure.

2 Right? You're shaking your head.

3 MS BROWN: One's not ready. One is a  
4 recognized fire company contracted. The other one is  
5 not.

6 MS. SMITH: There's only one fire  
7 company under contract with fire commissioners.

8 MR. LIGHT: One fire company. The other  
9 one -- which is the other one that's not, Medford?

10 MS. SMITH: Tabernacle, one that we  
11 started.

12 MR. LANGE: Medford Farms Fire Company  
13 has existed in the township for decades.

14 MR. LIGHT: And that's under the fire  
15 district.

16 MR. LANGE: After this dissolution was  
17 filed in the recent times another one was created  
18 potentially to be an alternative fire company that's  
19 also formed --

20 MR. LIGHT: That's called Tabernacle?

21 MR. LANGE: -- called Tabernacle Fire  
22 District Number One. Excuse me. Fire Company Number  
23 One.

24 MR. LIGHT: It's an operating fire  
25 company now?

1                   MR. LANGE: It's is not operating. It  
2 is organized. Both fire companies elect their chief by  
3 -- the members elect the chief. And both fire  
4 companies have elected Chief Smith as their chief.

5                   MR. LIGHT: Okay. So there is one  
6 operating company now and there is one formed but not  
7 operating?

8                   MR. LANGE: Correct.

9                   MR. LIGHT: Do they have equipment?

10                  MR. LANGE: They don't have equipment at  
11 this time now.

12                  MR. LIGHT: So they're just a group of  
13 formed firefighters. The second question I would have  
14 is why is the township anxious to dissolve the fire  
15 district?

16                  MR. LANGE: The township is anxious to  
17 dissolve the fire district because of cost savings  
18 which it believes it will realize. And also, in view  
19 of the very difficult relationships over a long period  
20 of time which have negatively affected the delivery of  
21 emergency services.

22                  MR. LIGHT: It comes down to  
23 relationship because you had indicated the cost would  
24 pretty much break even in the beginning of your  
25 statement.

1                   MR. LANGE: There was a certain level of  
2 disfunction that existed and still exists with respect  
3 to the operation of the fire company, its cooperation  
4 with the rescue squad and with emergency -- Office of  
5 Emergency Management. The township over many years has  
6 attempted to get at that and try to resolve it.

7                   MR. LIGHT: Are the members of the fire  
8 district members of the fire company?

9                   MS McNAMARA: Commissioners.

10                  MR. LIGHT: Are the commissioners a  
11 member of the fire companies another way of mentioning  
12 it?

13                  MS. SMITH: Yes.

14                  MR. LIGHT: The district is fire  
15 commissioners. Are the commissioners members of the  
16 fire company?

17                  MS. SMITH: There's two of them.

18                  MR. LANGE: Two of the commissioners are  
19 members of Medford Farms Fire Company.

20                  MR. SMITH: There are actually three of  
21 them of the present commissioner are part of Medford  
22 Farms and one of the commissioners of the newer one.  
23 The co-chair is a member of new one.

24                  MR. LIGHT: And they're elected within  
25 the township. It's an elected position. Right?

1 MS. SMITH: The commissioners?

2 MR. LIGHT: Yes.

3 MR. SMITH: Yes.

4 MR. LANGE: And the township's open to  
5 working with one or the other or both fire companies  
6 post dissolution to contract for the provision of  
7 services.

8 MR. LIGHT: Okay. Thank you.

9 MR. NEFF: Any other questions,  
10 comments? No. Okay. I ask you to step back and then  
11 I'm going to ask unless any of the individuals have  
12 objection everybody who's marked a list as being  
13 opposed and wanting to testify if you could all come up  
14 together? And we will let you individually speak. Mr.  
15 Braslow, why don't we start you with unless there's  
16 somebody else.

17 MR. BRASLOW: Thank you. Thank you, Mr.  
18 Chairman. There's several things. First to address  
19 what Mr. Light asked. I as you know went to the Local  
20 Finance Board twice on the fire truck. Twice we got  
21 approval. Both financing companies would not finalize  
22 because of the pending dissolution. I did ask them to  
23 speak to staff. I know what the statute says. I agree  
24 with you. I think it was a very simple answer to say  
25 that any successor's responsible for the debt, but

1 neither company would come to the table. And  
2 ultimately, we couldn't finalize the transaction. So I  
3 just wanted to at least address that issue.

4           The creation of the second fire company,  
5 I put a statement in my response. And I appear before  
6 you on many occasions. I will never sacrifice my  
7 credibility for anything. And I stand by my statement.  
8 Notwithstanding the township's comment about their  
9 knowledge of the second fire company, I, again,  
10 reiterate on behalf of myself and on the two  
11 commissioners that were with me at that meeting my  
12 statement is correct. And that statement is in my  
13 response. That application to create a second fire  
14 company came to the district. The district looked at  
15 all the particulars in accordance with the statute  
16 which says that they have the ability to recognize or  
17 not recognize that second fire company. And they felt  
18 after looking at all the particulars it was not a  
19 justifiable recognition. It did not provide the proper  
20 fire protection. There were concerns about the number  
21 of members. They were concerned about interior  
22 firefighters and so forth. I will not repeat what's in  
23 the letter from former Chief Welling of November 4th  
24 because I think it very succinctly and very detailed  
25 responds to the concerns about, I don't know whether to

1 call it a plan, but I guess the plan of the township in  
2 terms of continuing the quality of fire protection.  
3 Unfortunately, he could not be here. He works. But I  
4 think his letter is very good, very self-explanatory.  
5 And I think reflects the difficulties with the proposal  
6 going forward.

7                   You know, the town says they'll work  
8 with either fire company. Well, first off, the other  
9 fire company I've addressed. The difficulty with the  
10 existing fire company is I also stand by what we  
11 previously testified to and once again in former Chief  
12 Welling's letter. He speaks of the individuals that  
13 have left the fire company, I'm talking about Medford  
14 Farms, do not wish to provide service under the  
15 township. And have indicated if the township is the  
16 one that's going to be the overseer of service they  
17 will not return. He doesn't speculate on that. He  
18 talks of his own personal knowledge and relationship  
19 with the firefighters. You I believe will hear some  
20 other testimony today about that issue, about the  
21 destruction of the morale of the fire company  
22 notwithstanding the comments you've heard on the  
23 record.

24                   So our basic position is we've  
25 documented and we stand by the difficulty I believe

1 that exists with the second prong of the statute which  
2 is I do not think that the plan, for choice of better  
3 word, submitted by the town satisfies the requirement  
4 of continued proper fire protection. It is not there.  
5 And I have to question because with all the information  
6 placed on the record about this second fire company  
7 that was to be created, for the reasons I previously  
8 stated that the town did express their desire that  
9 certain individuals who they did not appreciate engaged  
10 in litigation not be a member of the company, that  
11 their intent is to contract with that company. And  
12 again, I repeat that it was vetted and looked at by the  
13 fire district which determined in their expertise that  
14 it was not a proper vehicle for the protection of the  
15 township.

16 Those are my comments. I would  
17 appreciate, Mr. Chairman, if after the rest of the  
18 testimony if I could just speak one more time, but I  
19 want to at least put that on the record. Thank you.

20 MR. NEFF: Anybody else questions? So  
21 in the letter that came from the former chief it says  
22 there's only nine individuals actually perform interior  
23 firefighting duties of the new Tabernacle fire company.  
24 It says there's only nine because he suggests some of  
25 them aren't physically able to do it and some of them

1 just don't want to enter a burning. And I'm not going  
2 to ask the folks in the township to come up and discuss  
3 that or the new chief just now, but I am going to ask  
4 when they come back up to address that particular  
5 comment because I think we heard that there was  
6 significantly more than nine people who were capable  
7 fighting interior fires. So I'm just one wondering why  
8 this former chief has decided it's nine and how he came  
9 to the number nine.

10 MR. BRASLOW: Mr. Chairman, we do have  
11 at least one one-time active firefighter here who might  
12 be able to touch on some of these issues, also, who can  
13 testify now. So might be beneficial.

14 MR. NEFF: Okay. When we get there  
15 maybe can add to that. If there's no other questions I  
16 think we move down the line or whoever you want to  
17 testify.

18 MR. BRASLOW: Who wants to go next?

19 MR. CALLAHAN: I'm Mike Callahan on that  
20 list. I'm a fire commissioner. I'm a member of the  
21 Medford Farms Volunteer Fire Company. I've held  
22 offices of chief, assistant chief, engineer, anything  
23 else that goes along with officers. Since 1973 I've  
24 been in this company. And I was one of the original  
25 founders of the fire district. We were presented with



1 this particular fire company who wants to join -- take  
2 over the duties. And at the meeting it was told to us  
3 that if you choose this fire company the township will  
4 not dissolve the fire district. Yeah? Now, that was  
5 told to me. We went over that list that you have. And  
6 as a fire commissioner and firefighter I would not  
7 approve the other fire company. I feel that we have  
8 the ability to fight fires. And it upsets me to this  
9 day that I have a chief who is wearing both hats for  
10 and against. So that is my statement. I feel very  
11 strongly that this district can stand. They have the  
12 ability. I'm not going to go into what people heard  
13 about infighting between the township and the fire  
14 commissioners and the fire company. That's not allowed  
15 to be said. So we did review everything and we chose  
16 Medford Farm Volunteer Fire Company as a committee.  
17 Commissioner. Thank you.

18 MR. NEFF: How long ago was your review?

19 MR. CALLAHAN: About when was that?

20 Two, three months ago. In March. We reviewed that.  
21 And we felt very strongly that the existing fire  
22 company can do the job and do it well or we wouldn't  
23 have voted for it.

24 MR. BRASLOW: Could I make a comment for  
25 the record based on -- okay. I wish you to know,

1     though, that Chief Welling's letter is based on the  
2     information not from March but as he's continued  
3     because he's still involved in the fire company. So I  
4     wouldn't want someone to think that we're still working  
5     off of perhaps old information.

6                     MR. NEFF: This letter's dated  
7     November 4th.

8                     MR. BRASLOW: Yeah, okay. Thank you.

9                     MR. NEFF: And sir, how long have you  
10    been a fire district commissioner?

11                    MR. CALLAHAN: Since its inception.  
12    1985.

13                    MR. NEFF: 1985. And when were you  
14    chief of the fire company?

15                    MR. CALLAHAN: In the 70's.

16                    MR. NEFF: And when is the last time you  
17    held an officer position with the fire district?

18                    MR. CALLAHAN: I declined because I'm  
19    71 years old. And I would not allow people of that age  
20    to go in myself. So I chose to be a fire police. And  
21    I wave a little flag at you as you go by and you can't  
22    come down the road. I didn't want to insult anyone.  
23    My blood pressure went to 225. I said no more.

24                    MR. NEFF: But you haven't been chief or  
25    deputy chief in many years?

1 MR. CALLAHAN: No.

2 MR. NEFF: Okay.

3 MR. CALLAHAN: Mine was the 70's and the  
4 80's.

5 MR. NEFF: I got you. Okay. I don't  
6 have any other questions. Anybody else?

7 MR. GOLDY: Adam Goldy, resident of  
8 Tabernacle and also assistant chief of the Medford  
9 Farms Fire Company. And one more hat that I wear. I'm  
10 a career guy out of the airport up there in Trenton.  
11 Just wanted to touch on a couple things based off of  
12 testimony that was placed before you from Tabernacle.  
13 If I go off topic please bring me back -- bring me back  
14 on. One thing I find it curious is the chief doesn't  
15 know the actual size of the town. It's 49 square miles  
16 not 48. It could be just a misunderstanding on his  
17 part. But it was made mention that there's 39 members  
18 of Medford Farms Fire Company and there's 32 of this  
19 new one. What I'm curious to know about is how many of  
20 those 32 are currently members of Medford Farms if  
21 they're using a small group of individuals on Medford  
22 Farms that refuse to move forward, so to speak? When  
23 it comes down to 21 he has 21 to 22 members listed in  
24 the new Fire Company that are, quote, certified  
25 interior firefighters. The thing I question on that

1 one is it's different to have a piece of paper saying  
2 that you're good to go inside. The question I would  
3 have is are you physically able to do so. I'm sure  
4 most of you may know, and if you don't, it is extremely  
5 physical activity. It's been described as we're the  
6 top athletes of the world for the amount of work that  
7 has to be put out to a fight a fire. And you have to  
8 be physically able to do so. And you know, that's why  
9 we normally have medical surveillance. We have to go  
10 through physicals and normal just to make sure we are  
11 able to take care of it. So that would be one thing,  
12 out of those 21 to 22 who is really the, quote, top  
13 athlete that can perform the duty?

14                   Also, how many of them are township  
15 residents and are able to respond and get on the truck?  
16 Most of the members of Medford Farms we do live fairly  
17 close to the firehouse. So that's one thing that does  
18 help out with our response times with the ability to  
19 get out on the street fairly quickly. It was made  
20 mention of an average turn out per call has dropped  
21 from like an average of 18 to 8 or 9 I believe. And  
22 that's just an average per call. The only thing I can  
23 say to that is it's just the morale. A lot of the --  
24 the division line in the Fire Company has been  
25 basically drawn. And it's either you're on this side

1 or the other. And I mean, it's kind of difficult to go  
2 to a place where you don't seem welcome. It's not --  
3 really, it's not stopping me. I do this just because I  
4 enjoy doing it. Everybody that's on the other side of  
5 the fence, so to speak, you know, we all still want to  
6 do it. We don't do this for the glory, for the LOSAP,  
7 for the money. We do it because this is what we enjoy  
8 to do.

9 MR. NEFF: You don't risk your life for  
10 \$1,500?

11 MR. GOLDY: If you saw my paycheck, you  
12 know, from my career job, you know, let it be known you  
13 don't do it for the money. You do it because this is  
14 what you -- this is all -- you know, it's either it's  
15 all you know or this is what you want to do. The thing  
16 that bothers me the most about the township wanting to  
17 take over the responsibilities of the fire district is  
18 there is no plan. They still to today they can't tell  
19 you what fire company they're going to go with. When  
20 asked by multiple residents, multiple meetings ever  
21 since the original hearing there's been no -- nothing  
22 on document to show anybody that this is what we plan  
23 to do. And I find that disturbing. And I mean, that's  
24 about all I have, really. Do you have any questions  
25 for me?

1                   MR. NEFF: All right. I thought you  
2 asked a good question about how many members are  
3 crossover members. It's a question I had myself. So  
4 we'll let them answer when they come back up. Let me  
5 ask you this: If the fire district were dissolved and  
6 the municipality came in and just for sake of argument  
7 said we're only going to use Tabernacle, we're not  
8 going to use the old company anymore would you not join  
9 that company or participate in a fire call? I know  
10 that's a difficult question.

11                   MR. GOLDY: It's a difficult decision to  
12 make. I mean, I've spent most of my time with Medford  
13 Farms. You know, it's like making a decision on to  
14 change jobs. You have to weigh in. There's a lot of  
15 things to weigh in. I would say if the company's -- if  
16 the company's going to operate the same. Because,  
17 again, you're not going to stop me from doing it. But  
18 on the other token, I don't want to go -- work for a  
19 company that doesn't have a plan. And there's a lot of  
20 uncertainty in that I feel. That's it.

21                   MR. NEFF: Any other questions?

22                   MR. GOLDY: There was one more -- if I  
23 may, there was one more I'm just noticing here. It was  
24 made mention response time. I believe Chief Welling  
25 mentioned it in his letter. We were averaging five

1 minute response times in Tabernacle and upwards of  
2 seven minutes outside of the district. And what he did  
3 was when he actually compiled the report he had in  
4 district calls was one which was right around in the  
5 five's. Out of district was seven. And then he  
6 averaged the two of them together for an overall  
7 response time which is where you get the other six to  
8 seven minute figure from.

9 MR. NEFF: Anybody else? Okay. Next.

10 MS FREEMAN: Nancy Freeman, commissioner  
11 since 1991. We wanted to hear about the plan that the  
12 township had. I have been to as many of the township  
13 meetings as I could attend which is very nearly every  
14 one since August of last year of '13. At various  
15 meetings they would be asked, you know, we'd like to  
16 know what your plan is. And there was never one set  
17 forth that we were privy to. They were asked multiple  
18 times about the truck. Today was the first time I  
19 heard that they might proceed with the purchase of a  
20 truck. The other thing that I have as a concern  
21 besides apparatus, firefighters, testings of hose,  
22 ladders, it goes on and on what the district has been  
23 providing, and I have concerns as to whether or not all  
24 those things that are done at the request of or the  
25 listings of the NFPA whether those will even continue.

1 I specifically have a concern about LOSAP because when  
2 we've asked about that we've been told that that may  
3 not continue either. And that was a program that we  
4 started in by ordinance after taking it before the  
5 voters and had it approved that it could be part of our  
6 plan so that the volunteers had some incentive. And I  
7 personally would hate to see that taken away from the  
8 responders that we have.

9 In bringing some of this up to our  
10 township administrator, Mr. Cramer, because I did go in  
11 and speak with him about many of my concerns, he said  
12 to me that, wow, if the district is dissolved you will  
13 help us, why don't you? And I found that to be a  
14 little bit at the time, yeah, sure, I can give you a  
15 hand. But it has been such an ongoing, long, hard  
16 fought battle that I almost want to say it's  
17 discouraging that you don't even already know what is  
18 required since you know that you want would take us  
19 over. That would be my concern. That you don't know  
20 all the things that we do and need to be done. They  
21 don't send a liaison to our meetings. It's an  
22 occasional visit. And I just do not feel that they are  
23 aware of the job that we as commissioners do do for our  
24 township. I went as far as to ask for a liaison  
25 because they've talked about the animosity between the



1 emergency services group. I asked for a liaison from  
2 the township committee. And Mr. Cramer let me know  
3 that we, the commissioners, were the liaison. And I  
4 felt that that was not quite what I needed because I  
5 felt like we needed one person on the town council that  
6 we could go and talk to when we had a concern. And we  
7 were never able to do that either. So again, I just am  
8 letting you know that I have worked very, very hard  
9 since 1991. And as a volunteer, because we do not take  
10 a salary, I think this is one group of volunteers that  
11 they are not treating quite as fairly.

12 MR. NEFF: Any questions? No. Are you  
13 aware of any individuals with the current fire company  
14 who have said -- have you personally heard somebody say  
15 if they create a new -- if they go with this new fire  
16 company I'm not serving anymore?

17 MS FREEMAN: Yes, I have.

18 MR. NEFF: How many?

19 MS FREEMAN: I've had two resignations  
20 already because of the animosity.

21 MR. NEFF: So they already don't provide  
22 service?

23 MS FREEMAN: And then I have heard from  
24 five others.

25 MR. NEFF: Five?

1 MS FREEMAN: Five. And when you have 39  
2 any firefighter as far as I'm concerned is an important  
3 person. We don't want to lose anyone.

4 MR. NEFF: I perfectly understand that  
5 this is the kind of comment that wouldn't be accepted  
6 in a courtroom because it would be hearsay and you  
7 getting into somebody else's head. So Rich, don't go  
8 objecting.

9 MR. BRASLOW: I understand.

10 MR. NEFF: Do you believe that those  
11 five people who told you if there's a new fire company  
12 started and the town goes with that new fire company do  
13 you believe that they really wouldn't participate?

14 MS FREEMAN: I do.

15 MR. NEFF: Or do you think it may be  
16 that they're expressing a level of anger that perhaps  
17 would subside if the new fire company were to be  
18 contracted through the municipality to provide service?

19 MS FREEMAN: I do not feel they will  
20 come back to join the Tabernacle Fire Company if they  
21 were asked. The people that I am referring to are  
22 people who were specifically denied an application.

23 MR. NEFF: Specifically denied an  
24 application by the new fire district to be a member of  
25 them?

1 MS FREEMAN: That's correct.

2 MR. NEFF: Okay.

3 MS FREEMAN: I'm sorry to say that, but.

4 MR. NEFF: To even be a member?

5 MS FREEMAN: That's correct.

6 MR. BRASLOW: Which, if I may, Mr.

7 Chairman. I apologize. That's why we made the comment  
8 we did. And I think it gives total credence to what we  
9 really know is going on. And what goes on is you go  
10 back to the original discussion which I alluded to  
11 which is the desire to have a second fire company to  
12 eliminate certain individuals. And that's exactly  
13 what's going on. This is a good significant nucleus of  
14 the fire company with experienced individuals with a  
15 lot of background and fire service. And that certainly  
16 what we believe he has gone on. And that's certainly  
17 not a legitimate basis to get rid of a fire district.

18 MR. NEFF: Okay. Anybody other  
19 questions? No.

20 MS BROOKS: I'm a resident of Tabernacle  
21 as you know. And I am here as you know in support of  
22 preserving the fire district. I've already submitted a  
23 couple of writings to you. And I'm not going to go  
24 into them, but as someone who attends all the township  
25 meetings listening to the discussion by the township

1 representatives, this revision of history, there is no  
2 question of about it. They have been asked repeatedly  
3 regarding the truck. And they've never commented once  
4 that they were going to provide the truck. This plan  
5 that Mr. Goldy referred to, Ms Freeman, Commissioner  
6 Freeman referred to, we've asked multiple times about  
7 the plan. And there is no plan. There was never any  
8 report. I know in my last writing to you I talked  
9 about the fact that there's just simply no  
10 documentation. Their report was terribly deficient.  
11 And the report that they gave that they call a report  
12 is seriously deficient and really needs to be given  
13 consideration by you.

14                   There are two other issues. One is I  
15 know that there is a strong -- that there's a lot of  
16 emphasis on shared services throughout the state. And  
17 the fact remains that in certain circumstances shared  
18 services it makes a lot of sense, but in this  
19 circumstance it may turn out to be -- in fact, I would  
20 argue that it would likely to be a total disaster for  
21 the residents of Tabernacle Township. And so in some  
22 cases I would say shared services is a good idea but  
23 not in this one. So if you're looking for  
24 consolidation, the devil's in the details. I think I  
25 said that the first time. This is not a circumstance

1 where we really -- where there should be a -- the  
2 district should be dissolved and there should be  
3 concentration of services.

4                   And the last thing that I will say is  
5 that when I read Mr. Lange's rebuttal to our last  
6 public comments I think one of the most shocking things  
7 for me was, and I'm not getting into the merits because  
8 I'm not in the position to get into the merits of who  
9 advocated for the new fire company, how that whole  
10 issue emanated, but the mere fact that Mr. Lange  
11 released an unredacted -- Mrs. Freeman's unredacted  
12 personal check was really wrong to do that.

13                   MR. NEFF: I'm sorry. I'm going to have  
14 to cut you off. It has absolutely nothing to do  
15 whether the new company's going to able to provide  
16 service or the township will be able provide services  
17 or not or the liability. I'm not going to get into  
18 OPRA issues and Open Public Meetings Act issues. It's  
19 not our jurisdiction.

20                   MS BROOKS: The only reason I raise it  
21 is because I think it goes to the township's  
22 credibility. And that's all. Thank you very much.

23                   MR. NEFF: Any questions? Comments?  
24 No. I would ask you the same question I've asked a few  
25 others which is are you personally aware, has any

1 member of the current fire company told you that under  
2 no uncertain terms would they continue to volunteer  
3 their time and fight fires if the town were to take  
4 over the provision of service.

5 MS BROOKS: Yes, I have spoken directly  
6 with a number of the firefighters. At least four of  
7 them particularly the ones who were -- made up this  
8 group on the outs -- the outside group who said that  
9 they have no intention of coming back. And they are  
10 the younger interior firefighters.

11 MR. NEFF: So approximately four  
12 interior firefighters spoke to you and --

13 MS BROOKS: I've spoke to four.

14 MR. NEFF: Okay.

15 MR. BURGER: John Burger, Chairman of  
16 the Commission. I just want to speak on one issue.  
17 And not response time, but response of members. I have  
18 been on the Commission for three years now. Three  
19 years ago when I started our response average was 17 to  
20 18 members per call. Our average now is eight in three  
21 year's time. If you break that down a little bit that  
22 eight members turns into the chief, fire, police.  
23 Okay. So now you're talking maybe four firefighters,  
24 four to five actual firefighters because it's actually  
25 two chiefs. It's usually chief himself, and the deputy

1 chief. So now you're talking maybe four firefighters.  
2 That's one truck that gets out on every call as opposed  
3 to 17 members when I first started. That's the biggest  
4 issue I feel as far as providing service. When it  
5 comes down to morale, ever since this dissolution  
6 started over a year and a half ago, almost a year, the  
7 morale has gone down faster than anything. How we fix  
8 it? Not quite sure yet. But the dissolution has been  
9 the biggest problem around the fire house out of  
10 anything I've seen. And dissolving the fire district,  
11 I don't believe the thing that's going to fix it.  
12 There's no experience on the township committee. They  
13 have no idea how to take care of the fire department  
14 where everybody on the fire commission has experience.  
15 They know how to take care of the fire company. I'm  
16 not sure where the township committee knows if they're  
17 going to make a plan. Haven't seen a plan from them  
18 yet because God forbid that the fire company does  
19 refuse to respond. I don't know if they tell. I don't  
20 know if they will respond. I don't know if they won't  
21 respond. But if they do refuse to respond the township  
22 has no plan in that place. You know, they can sit here  
23 and say they're going to rely on the next township over  
24 to respond. They can't say that they're going to  
25 respond. Woodland Township doesn't respond as it is.

1 We cover Woodland Township and the other surrounding  
2 towns around Woodland cover them as it is now. They  
3 have nobody to respond. I'd love to see a plan from  
4 the township but I haven't seen one yet.

5 MR. NEFF: I ask you the same question I  
6 asked the other folks. Do you know of any --

7 MR. BURGER: I know of at least one but  
8 I've spoken to at least four.

9 MR. NEFF: I asked him if he knew of any  
10 volunteer firefighters in the current fire company who  
11 would refuse to continue providing volunteer fire  
12 services under a new company if the town were to assume  
13 the responsibility for overseeing fire services in  
14 contract with a new company.

15 MR. BURGER: I've spoken to four.

16 MR. NEFF: Okay. Any other questions?  
17 No. Okay. I would ask you to take a step back. And  
18 then I think we have another maybe one more group of  
19 people who want to testify. Are there people aside  
20 from the township committee and the commission people  
21 who testified who wanted to now testify in favor? No.  
22 Cheryl Smith, Aubrey Smith, Shawn Vena, Michael, you  
23 don't have to testify if you don't want to and you're  
24 here. Okay. All right. Then I would ask if we could  
25 -- actually, let me read those names again just for the



1 record of people, if it's okay with you, for people who  
2 are here in support of the proposal. Cheryl Smith,  
3 Aubrey Smith, Sean, Vena, V-E-N-A, Michael Lichty,  
4 L-I-C-H-T-Y, and Jason Litowitz, L-I-T-O-W-I-T-Z. And  
5 I'm going to really screw this one up. Maybe James  
6 Smith.

7 If I could just ask the people who had  
8 come to the table originally to come back up. If I  
9 could just ask -- I have three questions followup. And  
10 one is how many members of the new company, Tabernacle  
11 company, are also members of the current company?

12 MS. SMITH: 22.

13 MR. NEFF: 22 of the, what did you say,  
14 39?

15 MS. SMITH: Yes, 39.

16 MR. NEFF: Okay. And how many them are  
17 interior firefighters?

18 MS. SMITH: I believe all of them. 17.

19 MR. NEFF: Is it your belief that  
20 there's more than nine on that list who could actually  
21 provide interior firefighting services?

22 MR. SMITH: Yes.

23 MR. NEFF: And do you believe you have  
24 an adequate number on that list to provide the services  
25 that would be needed? Required?

1 MS. SMITH: If I may, 90, it's probably  
2 94, 95 percent of our calls are for a single engine  
3 response. You could only fit six people on the engine  
4 or the ladder truck. If it's called for a tanker you  
5 can only put two people on that. If it's called for a  
6 brush truck since a lot of our calls are out of town  
7 only four people fit on that truck. I may be the chief  
8 but they don't count me on that initial list that they  
9 seen from our application to the commissioners to start  
10 the new fire company. They don't count the chiefs. We  
11 do it now for the Medford Farms Volunteer Fire Company,  
12 but when it's under contract with the district. You  
13 know, we count ourselves. Nancy -- Commissioner  
14 Freeman testified up here. Her husband rides the truck  
15 all the time. The other day he was in the house fire  
16 and couple towns over. But it's good enough for them  
17 now they can't them as in favor of the commission but  
18 against the township. I just don't understand why  
19 we're doing that.

20 MR. NEFF: And could I ask, there was  
21 some comment that there are people in the current fire  
22 company, I shouldn't say the current fire company, but  
23 in the fire company that currently provides services to  
24 the fire district who were not invited to be a part of  
25 or given an application to apply for membership in the

1 new fire company. Is that accurate? And what is the  
2 reasoning for that?

3 MS. SMITH: I would like to know who  
4 they asked. The person that asked me, anybody that's  
5 ever asked me gets an application. And Ms Freeman even  
6 told them after a commissioner's meeting that to go see  
7 Dave or Al, which is her husband, or our deputy chief  
8 now in the fire company that if you want an application  
9 go ask. And I would like to know what people are  
10 talking about me when you get to the bottom of it.

11 MR. NEFF: And on what grounds would  
12 somebody be prohibited from joining the new company?

13 MS. SMITH: I don't know.

14 MR. NEFF: Okay. There's no bylaws in  
15 effect that say, you know, certain qualifications for  
16 people who want to be members.

17 MS. SMITH: No.

18 MR. NEFF: Okay. So it's open. You  
19 don't tell people they can't even submit an  
20 application. If they want an application you would  
21 give them one -- okay.

22 MS. SMITH: Actually, I'm not sure the  
23 four people that they're saying that wouldn't respond  
24 to calls, but one of them even came to our -- after our  
25 Tabernacle meeting to get an application and we gave

1 him one. And he's one that like tries to cause trouble  
2 between the -- and you're not going to turn down help.

3 MR. LEE: Mr. Chairman, if I may, I'd  
4 like to ask Chief Smith a question. And I don't have  
5 the answer to it's because of my lack of knowledge of  
6 how this company started, but who came to you and asked  
7 you to join Tabernacle Fire Company?

8 MS. SMITH: Who came to me ask me?

9 MR. NEFF: Could we finish the questions  
10 from the Board members before you start asking each  
11 other questions?

12 MR. LEE: Certainly.

13 MR. NEFF: Sorry. So what's the town's  
14 thought with respect to LOSAP in the future? Would  
15 that continue?

16 MS BROWN: We never indicated we weren't  
17 going to continue. That's all been our plan to go  
18 forward. Why would we take something away that  
19 volunteers have? I don't know where Ms Freeman got  
20 that information, but I can certainly assure you it  
21 didn't come from us.

22 MR. CRAMER: Since Ms Freeman quoted me  
23 as asking the question for help, that was directed  
24 because there was statements made on the street that if  
25 this did not go in their favor that they were walking

1 away the next day. And that's where my question came  
2 from is would you at least present me with a paper so I  
3 know what the ongoing situation is with the LOSAP so I  
4 could administrator program. We have an auditor who  
5 does a number of fire districts. If that was handed to  
6 me or not handed to me I would go to them for  
7 assistance on how to do it. I've served as a  
8 commissioner on the Joint Insurance Fund for over  
9 14 years. So I have some knowledge of insurance issues  
10 and what we need to address.

11 MR. NEFF: I think that's all I have.

12 MR. AVERY: Could I just ask the chief,  
13 you have 380 calls a year or last year, around there.  
14 400, say. What percentage of those are interior fires,  
15 structure fires versus outside fires, brush fires, car  
16 accidents? Doesn't have to be to the call out.

17 MS. SMITH: It's not very high. Out of  
18 our calls in town we might get three or four working  
19 actual fires a year.

20 MR. AVERY: If you had a lot of  
21 structural fires in Tabernacle no one would live there.  
22 There aren't that many houses there.

23 MS. SMITH: That's car fires, brush,  
24 still pack up. And that's what they're saying,  
25 interior. They're referring to a person that would put

1 a pack on along with the rest of their gear.

2 MR. AVERY: Does -- I assume Burlington  
3 County has a fire marshal on staff that can provide  
4 assistance to towns and fire companies and if there's  
5 questions on mutual aid or whatever?

6 MS. SMITH: Right. Actually, keep  
7 harping about our plan. Since I've been a member the  
8 chief does most of the work even for the district. Our  
9 10-year, 5-year plan started out. Then we went to a  
10 10, a 20-year plan for the district. Those was all  
11 made by our past chief. The district doesn't have  
12 anything to do. Our grids for mutual aid, that's all  
13 done by the chief. None of that changes. As far as I  
14 know, I'm the only one that's been working on a  
15 ten-year plan.

16 MR. AVERY: And you believe that should  
17 the district be dissolved that the new company has the  
18 resources to meet its mutual aid obligations under the  
19 current plan?

20 MS. SMITH: Yes.

21 MR. AVERY: And the final question I  
22 have is who would own the -- who owns the equipment and  
23 the trucks and so forth of Medford Farms?

24 MR. LANGE: All of their property would  
25 revert to the ownership of the township under the

1 statute.

2 MR. AVERY: That's what I thought  
3 because it was purchased with public money.

4 MS. SMITH: Medford Farms doesn't own  
5 anything.

6 MR. AVERY: I just wanted to make sure.

7 MR. LANGE: Buildings, equipment,  
8 trucks, everything.

9 MR. AVERY: That was my memory of this  
10 from my working days.

11 MR. NEFF: Any other comments,  
12 questions?

13 MR. BLEE: I guess the governing body,  
14 just to reiterate, you said you do plan on continuing  
15 the LOSAP program?

16 MS BROWN: Absolutely.

17 MR. LEE: Yes.

18 MS BROWN: That was never a question.

19 MR. BLEE: Okay. Give you bonus  
20 question. Can you name the legendary legislator who  
21 sponsored the legislation to create the LOSAP program?

22 MS BROWN: It was you.

23 MR. BLEE: I hold that near and dear to  
24 my heart.

25 MR. LANGE: That was the right answer.

1 MR. BLEE: You got the right answer.

2 MR. LEE: One of the questions that had  
3 come up from Mr. Light, and I want to touch on this,  
4 there was a question regarding the fire truck. We had  
5 witnessed -- our town had witnessed four failed  
6 elections in the month of February for a fire truck.  
7 Our committee recognized that we needed a truck for our  
8 fire company. And had made the offer to purchase one  
9 from the Township of Morristown. It wasn't the truck  
10 that the fire company felt they needed at that time,  
11 but it demonstrates our commitment as a township  
12 committee to ensure that our volunteers who are  
13 fighting fires in Tabernacle have equipment necessary  
14 to be able to do their job. I want to get away from  
15 February elections where we have to expect our  
16 volunteers to stand there and beg for fire truck and  
17 expect our residents to come out on the 3rd of February  
18 in the snow to remember to vote. We are -- as a  
19 seventh generation resident of Tabernacle Township my  
20 family's not going anywhere, but I can tell you from  
21 the bottom of my heart that our commitment is to ensure  
22 that we have the right equipment for our volunteers. I  
23 can't imagine going into a house and fighting a fire,  
24 but I'll be damned to tell you I want to provide every  
25 single piece of equipment necessary for them to do that



1 job because we depend on it. And I'm asking you to  
2 allow us to begin the heals of community because we  
3 desperately need that. This is going on since July was  
4 when we had folks here to testify before you. I wasn't  
5 here. But I'm asking you as the Finance Board to allow  
6 us to begin to heal and move forward as a community.  
7 7,000 residents. 48, 49 square miles. To take your  
8 pick. We desperately need to move forward as a  
9 community. And at this point it's in your hands.  
10 Thank you.

11 MS. SMITH: Mr. Neff, it was mentioned  
12 about the response times. Like I said, it's hard. It  
13 depends where they are in town. The NFIRS report that  
14 we report to the Division of Fire and Safety we have to  
15 send them in monthly, quarterly, whatever, he was  
16 saying in town response and out of town. The NFIRS  
17 report the state uses does this automatically. You  
18 don't have to combine anything. You put in what  
19 district you want it for. It prints out that's the  
20 numbers I gave you. You do it for overall, for all the  
21 calls you ran that year. It gives you that number.

22 The other thing was support. They're  
23 saying, like, I know that this is upset people on both  
24 sides of the table. It's just not -- I'm sure feelings  
25 are hurt on the commissioner's side. I appreciated

1     them one time. I think it's time for us to move on. I  
2     think we can really benefit from being underneath the  
3     township. You need -- in order for them to get support  
4     you need the residents to turn out to vote for trucks.  
5     You need them to come out and support them. People  
6     don't do it.

7                     MR. NEFF: All right.

8                     MS. SMITH: In the long run that  
9     reflects back on the firemen because we can't get what  
10    we want or need.

11                    MR. NEFF: Anybody else have any other  
12    comments or questions? No. I'll give one last chance.  
13    And I don't want any repetitive comments. But is there  
14    anything the people who have testified earlier want to  
15    say in response to anything they heard, factual, some  
16    factual information they want us to know that we  
17    haven't already heard? No. All right. With that, I  
18    think we're going to entertain a motion if there is  
19    one.

20                    MR. BLEE: Make a motion to approve the  
21    dissolution.

22                    MR. AVERY: Second.

23                    MR. NEFF: We have a motion and a  
24    second. Take a roll call.

25                    MS McNAMARA: Mr. Neff?

1 MR. NEFF: Yes.

2 MS McNAMARA: Mr. Avery?

3 MS AVERY: Yes.

4 MS McNAMARA: Mr. Blee?

5 MR. BLEE: Yes.

6 MS McNAMARA: Mr. Light?

7 MR. LIGHT: It's been passed already,  
8 but it's sad to me that personal difference have  
9 created and placed on us the burden of making a  
10 decision to approve or not the township's request. And  
11 it's obvious that there's a lot of personal concerns in  
12 here. Under those conditions, though, I have concerns  
13 that the adequate fire protection may not be provided  
14 to the community. It's going to take a lot of healing.  
15 And I vote no.

16 MR. NEFF: That's three votes in favor,  
17 one against. That's majority of the authorized members  
18 of the Board. It's five. So obviously, the  
19 dissolution hasn't occurred yet. It's still incumbent  
20 on the municipality to pass an ordinance. So I'm sure  
21 there's going to be more debate and discussion at the  
22 local level before it moves forward. And we wish you  
23 luck. And our fire expert on staff at the Division  
24 will be more than willing to help with any issues that  
25 may arise along the way.

1                   MR. LANGE: Thank you for your time and  
2 attention to this matter.

3                   MR. NEFF: Thank you. Make a motion to  
4 adjourn.

5                   MR. AVERY: So moved.

6                   MR. LANGE: Mr. Neff, one last issue.  
7 The effective date of the dissolution?

8                   MR. NEFF: Effective date of the  
9 dissolution is per the ordinance.

10                  MR. LANGE: So when the ordinance is  
11 adopted?

12                  MR. NEFF: When the ordinance is adopted  
13 or if you want a later date you'll be able to do that,  
14 too.

15                  MR. LANGE: Thank you.

16

17                               (Whereupon the matter is adjourned at  
18 2:43.)

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## 1 CERTIFICATE

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CARMEN WOLFE, C.C.R., R.P.R.

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23 Dated: November 28, 2013

24 License No. 30XI00192200

25 Notary Commission Expiration Date: July 29, 2016

STATE SHORTHAND REPORTING SERVICE, INC.

